YOUR QUESTIONS ANSWERED

volume 6

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بسم الله الرحمن الرحيم

اَلحَمدُ للّٰه ربِّ الْعٰلَمِيْنَ وَالصَّلوٰةُ وَالسَّلَامُ عَلٰى

خَيرُ خَلقه محَّمد وَاٰلِهِ الطَّاهِرِينَ.

With humility I offer my thanks to Allah Subhanahu wa Ta 'ala that He gave me the chance to compile this sixth volume of the series, Your Questions Answered. This book contains replies to 118 questions received between October 1990 and December, 1994, from The Philippines, Malaysia, Indonesia, Singapore, and Thailand; India, Pakistan, Iran, U.A.E. and Muscat; Sweden, Norway, Germany and U.K.; U.S.A., Canada, Trinidad and Tobago and Guyana; Ghana, Nigeria, Botswana, Kenya and Tanzania.

As it happens many of the questions are on burning topics of the current social environment, and I hope this volume will prove more popular and useful than the previous ones in this series.

وَمَا تَوفِيقِىٓ اِلَّا بِاللّٰهِ عَلَيهِ تَوَكَّلتُ وَاِلَيهِ اُنِيبُ

Dar es Salaam
15th March 1965

Syed Saeed Akhtar Rizvi

Q1. HOW TO DEAL WITH ATHEIST AND / OR AGNOSTIC?

What is the best way to convince an atheist who claims that there is no God, or an agnostic who says that man's only recognition can be of the phenomenal world, and that man does not and cannot know anything about a spiritual existence, either of God or man or of any after-death state? How can we convince him about Islam? How would you reply to someone who after hearing the arguments says, “Nobody really knows if this is all true! Nobody knows if there is a life hereafter”?

A: The best and safest course for such people will be to believe in a Creator and in the Day of Judgement. The following tradition of Imam Ja'far Sadiq (A.S) shows the reason Why?

Ibn Abil 'Awja' and Ibn Muqaffa' were sitting in Masjidul Haram at the time of pilgrimage, with some of their fellow atheists. (They pretended to be Muslims just to save their skins; but were always openly arguing against the belief in God). Ibn Muqaffa' said, pointing towards the space around the Ka'bah: “Do you see this mob? None among them could be called a human being except that old man (i.e., Imam Ja'far Sadiq A.S). As for the others, they are nothing but catties and animals.”

Ibn Abil 'Awja' asked him as to how could he say such a thing.

Ibn Muqaffa' said: Because I have found with him (such virtues and knowledge) which I did not find anywhere else. Ibn Abil 'Awja' said: Now it is necessary to test whether what you say is true.

Ibn Muqaffa' tried to dissuade him. But Ibn Abil 'Awja' went to the Imam (A.S). He came back after sometime and said: “O Ibn Muqaffa'! He is not just a human being. If there were in this world a spiritual thing which became a body if he wished so, and turned into a spirit if he wanted to, then it is he.”

Ibn Muqaffa' said: How come?

Ibn Abil 'Awja' said: I sat near him. When all others went away, he started talking (without my asking anything) and said:

“If the fact is as they believe and He is as they (i.e. the pilgrims) say, then they would be saved and you would be in trouble. And if the fact is as you (atheists) say, and not as they say, then you and they both would be equal (and no harm would come to either group.)”

I said: “May Allah have mercy on you, what is that which they say and what is that which we say? My belief and their belief is but one.”

Imam (A.S) said: “How could your belief and their belief be the same? They say that there is to be resurrection, and reward and punishment; and they believe that there is a God.” (And you do not believe it.)

Imam (A.S) meant that if there was in reality no God and no Day of Judgement, as Ibn Abil 'Awja' said then the believers and non-believers both will be in the same condition after death. Both will perish for ever and nobody will suffer for his belief or disbelief. On the other hand, if their Is a God and a Day of Judgement, as the believers say, then after death the believers will be saved and will be blessed, while the atheists and non-believers will have to suffer. Therefore, it is the dictate of wisdom to have Faith and Belief in God and Day of Judgement, to save oneself from the possibility of disgrace and eternal punishment.

Q2: My teacher (A Christian) says:

My teacher (a Christian) said to me that if what the Qur 'an says about man (that he was created of clay) is true, then why do we not find any trace of dust or clay in the human body? He was referring to the verse, And certainly We created man of clay... (Qur'an, 15:26). Please enlighten me, so that I may reply to him.

A: Well, water is made of oxygen and hydrogen. Why do we not see these gases in water? Of course when water "disintegrates" then each of its components goes its separate way, and then can be "seen". Likewise, when man's body disintegrates after death, most of it turns into dust, thus proving that it was made of dust or clay.

If your teacher is really a Christian, then he must have read the following statements in the beginning of the Bible:

"And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul." (Genesis, 2:7).

(God said to Adam) ".... till thou return unto the ground; for out of it wast thou taken; for dust thou art, and unto dust shall thou return." (Genesis, 3:19)

I think he must have heard the last sentence hundreds of times spoken by Christian priests during funeral services.

Q3: Allah and Khuda:

Why we call Allah as 'Khuda' while in His 99 names there is no 'Khuda'. Then how can we say 'Khuda'?

A: The 99 names are in Arabic language. Other languages have got their own words to refer to Allah. "Khuda" is a Persian word, also used in Urdu and some other languages.

Q4: To Overcome Depression:

At times I am driven to despair. I have generally been depressed, since I rarely get what I aspire for.

A: I think the last phrase is the clue to your problem. Remember that nobody can ever get all that he aspires for. Human ambition always remains high. Man's aspirations are limitless while the provisions of this world are limited. Naturally it results in dissatisfaction for most of the people. Its cure is found in the sayings of our Imams who have given us this advice: "In material things, do not look at those who are above you; rather look at those who are below you; while in spiritual things, you should look at those who are higher than you."

When you will look at those who are less fortunate than you, you will sincerely be grateful to Allah that He has given you so much more than many of your fellow human beings. And when you will look at those who have attained a higher spiritual status, you will be inspired to reach nearer to them. Contentment with what Allah has given you is the key to satisfaction, the cure of depression and the only way to overcome worldly worries.

Then next step will be to remember Allah Ta'ala in all conditions. In comfort and discomfort, in affluence and poverty, in health and sickness. Allah says in the Qur'an: "Those who believe and whose hearts are set at rest by the remembrance of Allah; now surely by Allah's remembrance are the hearts set at rest." (Qur'an, Sura 13, Verse 28).

Q5: Shi'a Belief About Qur 'an:

A person suggested that Shi'as are doing “Taqiyah” when denying “Tahrif” in Qur 'an. Perhaps you wouldn t mind “leaking” the “inside-secret”.

A: I will advise you to get a copy of my Urdu book, *Itmam-e-Hujjat*, from Maulana Ahmad Ali Abidi (or from Najafi House) and read the first chapter which is on Tahreef. Also my English booklet, *The Qur'an: Its Protection from Alteration*, (published by Ahlul Bayt Assembly of North America, P.O.Box 76568, Super Centre Postal Outlet, Markham, Ontario, Canada L3R ON5) will prove very helpful. From these two sources you will find that the Sunnis themselves narrate traditions of Tahreef in their Sihah Sitta and other books. They also believe that “Whatever is narrated in Sahih Bukhari and Sahih Muslim is 100% correct and it is Wajib to believe in it.”

Also, you will see that many traditions in these two books mention some verses and surahs which were lost after the Prophet (S.A.W). Then you will learn that the Sunnis try to explain such traditions by saying that those verses and Surahs are mansukhut-tilawah, i.e. their reciting was abrogated (while the law contained in some of them continues.)

The very serious question arises that if those Surahs and verses were lost or eaten up by a goat after the death of the Prophet (S.A.W), then how and by whom were they abrogated? Did there come any prophet after the Prophet of Islam (S.A.W)?

While we, on our part, are not bound to accept any tradition (written in any book) as “Sahih”. We put every hadith to tough tests, then either accept it or reject it on its merits.

As for Taqiyah, please study my booklet on this subject; you will find it useful and interesting.

Q6: The Beacon of the Qur an:

I quote here the following sentences of Hazrat Ali (A.S), from “Guidance from Qur 'an” (p. 35): ".... For all of you there is a beacon (in the Qur 'an), try to be guided by it. Islam has its aim for each of you to aspire and to attain it... " The question is: How can one find this beacon in the Qur'an, so that one can try to be guided by it?

A: The Qur'an was revealed as the guidance for man. It guides one in matters of faith; it shows the way to reach nearer to Allah through sincere belief and worship of Allah; it helps him build noble character through its unparalleled ethical teachings. And all these aspects have briefly been described in this very book, "Guidance from Qur'an".

Q7: The Aim of Creation:

Referring to the same quotation, how can one locate this seemingly particular aim, because to attain an objective one must know and understand it and then aim at it?

A: Study those verses which describe the purpose of creation, then you will be able to proceed towards it. For example:

1. And I have not created the jinn and the human beings except that they should worship Me. (Qur 'an,51:56)
2. Surely we have created man from a small drop of intermingled life-germ, in order that we test him; so we have made him hearing, seeing." (76:2). (Then it goes on describing the chastisement of the disbelievers and the blessings reserved for the righteous.)
3. And the greatest bliss reserved for man is "the pleasure of Allah", that the righteous

would be pleased with Allah and Allah would be pleased with them, and they would become nearer to Him. As He says: O tranquilled soul, return to your Lord, well-pleased with Him, well-pleasing to Him; so enter among My servants and enter into My garden. " (89:27-30).

Q.8: BEGGING FROM ALLAH:

Hazrat Ali (A.S) further says in the same hadith that "One should not make the Qur 'an an instrument of beggary in society". By nature a human being is certainly in need of many things. What could the sentence mean, because we are supposed to beg Him for our reasonable wants?

A: You have not read the full sentence which goes on like this "do not make Qur'an an instrument of beggary in society because it teaches you how to seek help from God." Clearly the Imam forbids begging from people and advises man to address all his needs to Allah. What objection or ambiguity is there in this teaching?

Q. 9: Meaning of the Tablet and the Pen:

Do Shi'as believe that Tablet (lawh) and Pen (Qalam) are two angels?

A: This is what Shaykh Saduq (R.A) has written in his book, al-I 'tiqadat.

Q. 10: Why do you write D FOR ض?

Why do you write d in the English Al-Mizan to indicate ض, when the pronunciation of ض is not like D?

A: Arabic alphabets contain many letters which have no equivalent in English. For example, there are four letters, ذ, ز ,ظ and ض. And there is only z in English with a sound like ز. How will you transcribe Arabic words containing ض ,ظ or ذ into English writing. The Western scholars have devised two or three systems for correctly transcribing Arabic words. The one I am using is called the Glasgo system.

There are for example four words in Arabic, ذَلَّ , زَلَّ , ظَلَّ and ضَلَّ according to the Glasgo system they will be transcribed as zalla, dhalla, zalla and dalla. The dot under d indicates that there is ض in that place. It does not show what is the pronunciation of ض in Arabic.

The English Al-Mizan is being written for people in the Western countries, and therefore it is necessary to follow a system which they are familiar with.

Q. 11: About Bohoras:

A friend of mine is an Ismaill Bohra (follower of 21 Imams and 52 Dais).I managed to argue with him by showing the weeklies and books. But he does not agree with me in the matter of Imamate. I have given him books and traditions of Prophet (S.A.W) and Imams.

A: I advise you to get a copy of Hollister's book, Shi 'a of India. Hollister was a Christian

Missionary and he was more sympathetic to the Ismai'lis (Bohoras and Aga Khanis) than to the Ithna-'Asharis. He has described in that book, inter alia, the faith and practices of both branches of Isma'ilism. I am sure you can find a copy in Osmania University's library.

Another book in Urdu, بوہرہ مذہب حقیقت کے آئینے میں (by late Maulana Sa'adat Husain Khan, Mujtahid)will be of more help to you. You may get a copy from Lucknow. Probably Imame Zamana Mission (Jet House, Shaheed Yar Jang Rd, Himayat Nagar, Hyderabad 500 029) can help you in getting this book.

Meanwhile, you may point out to your friend the following:-

As you will see in my book, Imamate, the number of 12 Khalifas was foretold by the Holy Prophet (S.A.W), as was the information that the 12th Imam will go into Occultation and will re-appear before Qiyamat. And these most important traditions are recorded even in the Sunni books.

Now if the Bohoras have to believe in a hidden Imam, is it not more reasonable to believe in the hidden 12th Imam (A.S) of ours, whose birth, occultation and reappearance were foretold by the Prophet (S.A.W) -- as Shi'a and Sunni traditions prove rather than believing in a hidden 21st Imam whose continued existence no other Islamic sect confirms?

Q. 12: Who was the Mother of the 12th Ikum (A. S) ?

Dr. Jassim Husain writes in his book "Occultation of the Twelfth Imam ", that the view that Imam Mahdi s mother was a Byzantine princess is incorrect. He concludes with proof that his mother was a Nubian slave girl. Do you agree with his deductions?

A: Mr. Jassim Husain is a good Muslim. But in this matter he has not understood the hadith correctly. Remember that merely being an Englishman does not make one competent to understand every book on Philosophy, Physics, Chemistry or Higher Mathematics, just because they are written in English The same is the case with Islamic Islamic subjects including hadith.

Our 8th Imam (A.S) had no son until he was 46 years of age. Then Imam Muhammd Taqi (A.S) was born from a Nubian slavegirl. Not surprisingly, his complexion was not fair; so much so that his enemies used to spitefully call him “Aswad” (Black).

The other fact which Mr. Jassim Husain has overlooked is that, because of the political prominence and greatness of our 8th Imam (A.S), not only the 9th Imam (A.S) but even the 10th and 11th Imams (A.S) were called “Ibnur-Rida” (the son of ar-Rida). By the same token, all of them could be called “Ibnun Nubian”, (son of the Nubian lady).

Keeping this background information in mind, read the relevant parts of the hadith quoted by Mr. Jassim Husain as his proof. It has been narrated by Kulayni (R.A) not in the chapter concerning Sahibul 'Asr (A.S), but in the one concerning “Indication and Declaration (of Imamate) about Abu Ja'far (A.S)” i.e. Imam Muhammad Taqi (A.S).

It is a long hadith describing how the uncles and brothers of Imam Rida (A.S) showed their annoyance saying that “there never was a dark-complexioned Imam among us”. Then they, on their own, called some experts of physiognomy (al-Qiyafah = the art of judging someone's parentage by studying his features), although it was not recognised in Islam at all. But the Imam (A.S) did not prevent them, in order to complete his evidence and proof against them. Those experts, who did not know anyone in the gathering, unanimously pointed to the 8th Imam (A.S) as the father of the child.

"'Ali ibn Ja'far (the uncle of the 8th Imam A.S) says: 'Then I stood up and kissed the mouth of Abu Ja'far (9th Imam A.S) until his saliva entered my mouth; then I said to him: "I bear

witness that you are my Imam in presence of Allah." then ar-Rida (A.S) wept and said: “O uncle! Did not you hear my father saying: 'The Messenger of Allah (S. A. W) has said: “May my father be sacrificed for the son of the best of the slave girls, the son of the Nubian girl, of pleasant mouth, of chosen womb. (Woe on them, may Allah curse the low Abbasid and his progeny, the companion of mischief!!!) And he will kill them for years and months and days; and he will humiliate them and make them drink a bitter cup; and he is the exiled fugitive whose father and grandfather will be (unjustly) killed; the man of occultation (about whom) it will be said: Did he die or perish? In which valley did he go?'” (Then the Imam A.S said:) “Will this happen, O uncle! except through me?” I said: “You are right, may I be your ransom!”””

The 8th Imam, 'Ali ar-Rida (A.S), by narrating that hadith of the Prophet (S. A. W), wanted to show to his uncle that the Prophet had called the 12th Imam (A.S) “the son of the Nubian girl”, and it was not to happen “except through me”, because the 8th Imam did marry the Nubian girl, who gave birth to the great-grandfather of the 12th Imam, and thus he would be the son of that Nubian mother, in the same way as he would be the son of Imam ar-Rida (A.S).

The sentence, “Will this happen, O uncle! except through me?”, clearly shows that it was Imam 'Ali ar-Rida (A.S) who was destined to marry a Nubian lady, and not Imam Hasan 'Askari (A.S).

Q. 13: Concerning the Above Answer:

Thank you for the kind letter and the books you sent; may Allah reward you generously. Concerning J. Husain s not understanding the hadith of Kulayni (R.A) correctly, I agree with you. He does though quote that Nu'mani andal-Saduq (A.S) related other narrations which indicate that al-Qa 'im s mother (A.S) was to be a black slave-girl. He gives the references: N. Al-Ghayba, 84, 85, 120;Kamal, 329.

A: The book al-Ghaybah of an-Nu'mani is not with me here.

However, the book كمال الدين وتمام النعمة KAMALU-DIN of Shaykh Saduq (R. A) is in the Mission's library (Published in Qum, 1405 A.H.) and I could not find in it the tradition that the Imam 's (A.S) mother was to be a black slave. Rather, there is a whole chapter (41st) pp.417-423; with the heading, Chapter about what has been narrated about Narjis, the mother of al-Qa'im, peace be on them both; and that her name is Malikah, daughter of Yashu 'a son of the king Qaiser ". The only tradition given there is another version of the one which you have questioned.

Q. 14: Did the Special Deputies see the Imam in his Minor OCCULTATION?

During the 12th Imam’s (A.S) Minor Ghaybat did his Special Representatives see him physically when they got instructions and 'Fatwa'?

A: Yes, certainly. They were the only persons who knew the Imam (A.S)'s whereabouts at a given time and went to him whenever necessary.

The word, fatwa, is used for the rulings of a mujtahid. The Prophet's or Imam's words are "orders" of shari'ah, not fatwas.

Q 15: do you know anyone meeting imam-e-zaman (a.s) in Tanzania or India in this decade?

A: In Tanzania, No. In India or Pakistan, I have no knowledge.

Q. 16: Bending our heads on hearing the name of the Imam (A.S):

We Shi 'as bend our heads at the mention of the name of Imam Baqiyyatullah; what is the theological explanation for that?

A: It is done to show respect to our present Imam (A.S); and it is based on the 6th Imam's teaching and action. It is reported that once when he mentioned the name of the 12th Imam (A.S), he stood up to show respect to that name. This show of respect is perfectly OK from the shari'ah point of view.

Q. 17: The significance of the word, Imam:

Note: A new convert from U.S.A. wrote in his letter some paras which equated "Imam Khumayni" with the 12 Imams. This reply was sent to him:

A: We Shi'as believe in the Twelve Imams who came one after another after the Holy Prophet (P.B.U.H.) first of whom was 'Ali (A.S) and the last is the Imam al-Mahdi (A.S) who is alive but in occultation by order of Allah and will re-appear near Qiyamat to establish the kingdom of God on the earth. These twelve Imams were Ma'sum (Sinless, Infallible) and Mansus min Allah (appointed by Allah) as you will read in my book, Imamate, which I am sending to you together with God of Islam, Justice of God and Ritual and Spiritual Purity.

The literal meaning of the word, Imam, is leader hence the leader of congregational prayer is called Imam. Also the Muslims (mostly the Sunnis) have been using this adjective for their top-most scholars, e.g. Imam Abu Hanifah in jurisprudence and Imam Bukhari in hadith. It is in this sense that the Iranian leaders started using this adjective for the Founder of the Islamic Revolution, "Imam" Khumayni. This usage is not, and was never, meant to place Imam Khumayni in the line of the Twelve Ma 'sum Imams who were appointed by Allah. Its only purpose was to make the general (Sunni) Muslims understand the knowledge, piety and status of Imam Khumayni (May Allah be pleased with him). And such Imams are not necessarily from the family of the Prophet (P.B.U.H.). They may be, or may not be. Nor are they Infallible or appointed by Allah.

I had to write this explanation as there appears to be some confusion in your letter.

Q. 18: Is Ijtihad undesirable?

Some people say that there are ahadith which condemn ijtihad in the masa'il of shari'ah. And that the ijtihad is something which early Shi'as were opposed to. What is the truth behind this allegation?

A: This question requires detailed answer which at present I don't have the time for. However, I'll give you a brief outline of the facts.

The Sunni Khalifas and their Imams habitually used their own views and inclination to give fatwas. This is known in their *Usulul Fiqh* as *Qiyas* (analogy), *Istihsan* (application of discretion) and *maslihah* (what is deemed to be in public interest). In those days, this method was called “Ijtihad” and such people were called “Mujtahids”. Naturally, our Imams condemned and opposed this play with shari'ah; and naturally they used the same name for condemnation with which it was known at that time, i.e. ijtihad. In those days, Shi'as used the name 'Faqih' (plural, Fuqaha) for their scholars of jurisprudence. And our Imams

encouraged such Fuqaha to give Fatwas even in their own presence, examples of which are scattered throughout the books of traditions and Rijal. This was a continuous process since the days of Imam Ja'far Sadiq (A.S) till that of Imam Hasan 'Askari (A.S),

Then our 11th Imam directed the Shi'as to do taqleed of those Fuqaha who protected their souls (from sin), obeyed the commandments of their Lord, went against their own inclinations. Here also the Imam used the word "Fuqaha" and it means scholars of Fiqh, whose taqleed was thereby ordered.

These terminologies continued more or less upto the 6th century of hijrah. The Sunni system of using analogy, discretion and public interest for giving a Fatwa was called Ijtihad, and those Shi'as who endeavoured their best to find the rules of Shari'ah from Qur'an, ahadith, and laid down principles, were called Faqih.

Now every linguist knows that by passage of time words acquire new meanings. A meaning which is understood from a word in 1993 cannot be applied to the same word used in 1193. Old English was quite different from modern English. The same is the case with Arabic. Just to give you one example: Sayyarah nowadays means automobile, car. Now read the following verses in Surah Yusuf:

A brother of Yusuf (A.S) is quoted as saying: *"and cast him down into the bottom of the pit if you must do (it, so that) some Sayyarah may pick him up".* (Verse 10).

Then it says: *"And there came a Sayyarah and they sent their water-drawer..."* (verse 19).

Now the word used here is "sayyarah". If you translate it according to the current usage, you will have to admit that there were automobiles in the days of Hazrat Ya'qub. (Actually, the word meant "travellers" in the days when the Qur'an was revealed.)

However, in the same way, the word mujtahid gradually changed its connotation until in the 7th century. Muhaqqiq Hill (A.R) (died 676 A.H.) used it for the Shi'a Fuqaha and since then both words have become synonymous in the Shi'a sect; although many western scholars, who know only the Sunni interpretation, translate it as "independent reasoning" but this interpretation is not applicable to the Shi'a ijtihad which is not independent; it is always based on the Qur'an, Sunnah and the principles laid down by our Imams (A.S).

Those who try to use those traditions which condemn ijtihad (of the old meaning), for opposing the Shi'a Ijtihad (of the new meaning), should also declare that there were automobiles in the days of Hazrat Ya'qub!

Q. 19: Is Taqleed Wajib?

Recently a dispute had arisen here regarding the matter of Taqleed. A group rejects Taqleed-after producing a few traditions form Wasa 'il ush Shi'a (vol. xviii) Kitabul Qada which are commonly quoted by most authors and scholars to show the necessity and legibility of Taqleed, from the ahadith point of view. This group declares that these ahadith do not conform with the fatwas of the Maraji' who say that Taqleed is Wajib and the A'mal without Taqleed are all void. I beg to know a hadith (or ahadith) which clearly states that Taqleed is Wajib. One thing I cannot understand that many people have produced ahadith which state that Taqleed has to be done but which do not precisely state that Taqleed is Wajib. I would be very obliged if the above-mentioned type of hadith (with reference) is sent to me for my reference.

A: No body says that Taqleed is the only choice. One may act according to Ihtiyat, if one does not like Taqleed. But acting on Ihtiyat is more difficult and cumbersome, and it requires a thorough knowledge of the Quran and hadith, which is not easy for every layman. Therefore, the only feasible alternative for a non-Mujtahid is to do Taqleed of an

expert who can derive rules of Shari'ah from the Qur'an, hadith and other principles laid down by our Imams (A.S).

And if those friends of yours insist that they can find all the rules themselves, then let them find out from the Qur'an and the books of ahadith the rules regarding life-insurance, letter of credit, requirements of fasting and prayer for people residing in the Arctic and Antarctic zones, test tube babies, and hundreds of such modern problems which the past generations had not dreamt of. I assure you that the ahadith of the Prophet and the Imams, found in our books of traditions, contain the principles from which our Mujtahids derive their rulings on such matters. But it requires deep knowledge of dozens of Islamic subjects, God-gifted intelligence and the expertise to reach at the conclusion from these sources. The Imams had told their companions: “On us is to give you roots, for you is to develop branches from them.” This wording is of our 6th Imam (A.S) and incidentally is one of the authorities which have established the institution of Ijtihad.

If a man has not studied medicine and on falling ill starts using medicines without consulting a doctor, every well-wisher will warn him that he might create more health problems for himself. May be if the medicine he takes tallies with his symptoms, he will be cured. Otherwise, his sickness might increase and might even result in death.

This is the dictate of common sense indeed. You go to an architect when you want to build a house, to an advocate for legal advice, to a doctor for treatment.

Likewise, you go to an expert in Fiqh for the rulings of shari'ah. Even if there were no ahadith to this effect, reason says that we must do Taqleed.

You should know that the institution of Ijtihad was established by our Imams (A.S). I have mentioned above one hadith of Imam Ja'far as-Sadiq (A.S). Imam Hasan 'Askari (A.S) has said: “Whoever among the Fuqaha' (Experts of Fiqh; Mujtahideen) protects himself (from sins), opposes his desires and obeys his Mawla (Allah), the general public should do his Taqleed.”

Our present Imam (A.S) ordered his Shi'as in the beginning of his Minor Occultation: “As for the problems taking place, refer them to the narrators of our ahadith, because they are my hujjat (proof) on you and I am the Hujjat of Allah.” Imam Ja'far Sadiq (A.S) was asked a question concerning two Shi'as who have some dispute with each other, what should they do? He said: “They should find among you someone who narrates our hadith, has studied our Halal and Haram and knows our commandments, and they should take him as arbitrator, because I have made him Hakim (Judge) over you; and if he gives a judgement and (one party) does not accept it, then he in reality scorns the order of Allah and rejects our (words); and he who rejects our words is kafir and rejecter of Allah's (words); and he is on the boundary of associating something with Allah.”

The word, wajib, is not used in more than half of the ahadith describing a wajib act. Usually it is, “You should do this.” Study the verse l55 of Surah al-Baqarah and see what expression has been used for Sa'yi in Hajj and 'Umrah. It only says: “So whoever performs Hajj of the House, or 'Umrah, there is no blame on him if he goes round them both.” Isn't Sa'yi a wajib rukn of pilgrimage?

Q. 20: Selection of an A 'lam:

How is an 'Alim declared to be an A 'lam? Who are the present Maraji -e-Taqleed and who is the most learned of them?

A: There are probably hundreds, if not thousands, of eye specialists in your city, Bombay. Yet if one asks a knowledgeable friend where one should go for a complicated case, the

friend will name only 3 or 4 doctors. Who elected them to become top-most eye-specialists? You will say: They were not elected; but their intelligence, knowledge, experience and continuous study have brought them to the fore-front. The same is the case with mujtahids. At present, Ayatullah al-'Uzma Muhammad Fazil Lankarani (Qum) and Ayatullah al-'Uzma Sayyid 'Ali Sistani (Najaf) are considered to be A'lam. This word in Shi'a terminology means, one who has got top-most expertise in deriving the rules of shari'ah from its approved sources.

Q. 21: Mothers of ‘AwN AND Muhammad:

Who was the mother of 'Awn and Muhammad (sons of 'Abdullah ibn Jafar) who were martyred at Karbala? Their ages?

A: 'Awn's mother was Hazrat Zainab (daughter of Amirul Mu'mineen 'Ali A.S); and Muhammad's mother was Khawsa' (from the tribe of Wa'il). First, Muhammad went to the battle-field, fought and killed ten warriors; finally he was slain by 'Amir ibn Nahshal. Then 'Awn went forth and killed 3 riders and eighteen foot. He was slain by 'Abdullah Ibn Battah at-Ta'i.

It is difficult to say how old they were in Karbala However, the age given for them in the marthiyas (i.e. 9 and 10 years) is definitely incorrect. They could not be so young. See *Bihar-ul-anwar*, vol. 45 for more details.

Q. 22: Children of Amru'l-Mu'mineen:

How many children Amir 'l-mu 'mineen 'Ali (A.S) had got? Were there more than one Zaynab and Umm Kulthum?

A: There are various reports about the number of his children, varying from 25 to 35. 3 sons were named Muhammad (the eldest of them was Hazrat Muhammad Ibn al-Hanafiyah); 2 sons were named 'Abbas (the eldest of them was the standard-bearer in Karbala). There were two Zaynabs, two Umm Kulthums and two Ruqayyahs. The eldest Zaynab and Umm Kulthum were the daughters of Bibi Fatimah (A.S); Zaynab (the younger) was the daughter of Umm Sa'id, and the younger Umm Kulthum's mother was a slave-girl.

For more details see *Biharul anwar* vol. *Manaqib* of Ibn Shahr Ashob and other relevant books.

Q. 23: False claimants of Prophet hood:

How many false claimants of Prophethood and Imamate (Mahdaviyat) have appeared yet?

A: It is difficult to get at their exact number. However, there have appeared scores of false prophets and Mahdis.

Q. 24: Where is Imam Husayn's head buried?

A: Got your cable on 18th July, and sent the following reply the same day.

Hassanali, SG IMGI

Georgetown, Guyana,

In Karbala in same grave,

Letter follows

Saeed Akhtar.

When Yazid released the family of Imam Husain (A.S) from prison, Imam Zaynul Abidin (A.S) took from him the head of Imam Husayn (A.S) and brought it to Karbala where he buried it with the body in the same grave

Although there are some reports mentioning Damascus, Medina, and even Egypt as the place where the holy head is buried, but they are not authentic, and our scholars do not accept them.

Q. 25: WHEN DID ISLAM REACH ZANZIBAR?

When was Islam first introduced to Tanzania -particularly to the Islands of Zanzibar and Pemba?

A: According to oral traditions, which have been recorded by the westerners, it may safely be said that Islam reached here by end of the first or beginning of the 2nd century of hijrah.

Q. 26: About Bilal Muslim Mission:

When was Bilal Muslim Mission established and who were its founding fathers?

A: Bilal Muslim Mission was established in December, 1964. Many dedicated Muslims shared the honour of establishing it. Important among them were Haji Ali Muhammad Jaffer Sheriff, Mulla Asghrali M. M. Jaffer, Haji Mohsin A.M Jaffer, Haji Muhammadali Meghji (from Kenya) and Haji Hassanali M. Ladak, Haji Hussain Nasser Walji, Haji Fidahussein Abdullah Hameer, Haji Ahmed Hussein Sheriff and the present writer (from Tanzania).

Q. 27: Islamic Activities in Tanzania:

What kind of Islamic activities are going on in the mainland of Tanzania?

A: I confine my reply to my Mission's activities only.

(a) (a)We publish two bi-monthly magazines in English and Swahili languages.

(b) We publish religious books in the English and Swahili languages. So far about 80 books and booklets have come out.

(c) We run an Institute of Higher Islamic Studies in Dar es Salaam.

(d) We run scores of Qur’anic schools for smaller boys and girls.

(e) We conduct 3 types of Correspondence Courses in English and Swahili which are benefiting the Muslims throughout the world.

(f) We have established a charitable public dispensary.

(g) We regularly hold free Eye-Camps in villages and small towns.

Q. 28: Islamic Cure for Aids:

A friend says that Islam is the religion till the Day of Judgement and the solution of every thing till then. So what is the Islamic cure for AIDS?

A: Islam, as a religion, contains every thing which is required for spiritual upliftment of humanity. It is not a hand-book for medical profession or mathematics. It gives rules and regulations which govern everyone including the doctors and mathematicians. But it does not teach the doctors how to treat cough and malaria, or the accountants how to multiply or subtract.

However, as these rules and regulations oblige a person to live a clean and moral sexual life, it prevents one from getting infected with AIDS. Here the saying, “Prevention is better than cure” proves true.

And the Prophet (S.A.W) had given prior warning to those who would indulge in unlawful sexual intercourse, when he said, inter alia, in a hadith: “When fornication spreads, it will surely bring such new diseases to the people which their forefathers had not known.”

Q. 29: Root cause of Children 's indicipline

The children are disobedient and even insulting to their teachers, elders and parents. Is this due to general human-right awareness, or level of intelligence having generally gone up amongst the younger folks? Or are parents so naive and / or less informed than the children? For example, when we studied psychology 30 years ago the definition of Psychology was that it was a study of mind. Nowadays the definition of Psychology is the scientific study of the processes of the mind and the behaviour of the body, both positive and empirical.

A: I think the basic problem is not of human-rights awareness or enhancement of intelligence level etc. Certainly these are contributing factors; but I think the basic trouble lies somewhere else. The Muslim society in your City is built on materialism. Showiness, pride, extravaganza, rat-race for worldly gains, all these combined together are tearing the moral fabric to shreds. Wealth is the alpha and omega of their ideal - whether it comes from lawful means or unlawful ones, makes no difference. And the haram money, entering through food into their blood system, first dims the spiritual light in the heart and finally darkens it completely. It affects the relationship of elders with the younger generation in many ways:-

(a) The children are deprived of moral guidance and training from their early age.

(b) They see their elders indulging in all types of un ethical dealings in their offices and businesses.

(c) In this way, the children are given practical training of keeping the religion and moral values confined to the compounds of mosques, husainiyas and, to a certain extent, homes.

(d) The children thus develop a dual personality; and the elders lose respect in their eyes, and even if at times they are told by these elders to behave in moral ways, the words sound to them hollow and hypocritical.

As the parents and elders have forfeited their moral authority, is it strange that the children are behaving in the way you have mentioned.

You know the U.S.A. better than I do, and also about the moral decay of its black community. But I am reading since last many years in the official reports of many government departments that the blacks who have embraced Islam, have turned their localities into law-abiding, well-disciplined areas, free of drugs and crimes. And this acknowledgement comes from those who have declared Islam as their enemy No. 1. It clearly proves that Islam - if accepted sincerely - can transform a totally rotten society into a healthy, dynamic force, vibrating with moral rectitude and spiritual sublimity. Even those

prisoners who have become Muslims, have been transformed into model ones. Why can't we, the born Shi'as and Muslims, achieve the same result with our Islam?

Q. 30: Love Letters

Our children accept that boys and girls should not freely mingle; yet they assert that if keeping within the bounds of shari 'ah they wrote to each other and communicated their feelings, what is wrong with that??!! In other words love letters do not matter! Can you please look into the same and with your wealth of ahadith etc. can we give them some beneficial advice on this issue?

A. Before deciding whether there is anything wrong in love letters or not, let us ask them how these "feelings" began in the first place. Was it not because they had been looking at each other with lustful eyes? These youths must know that there is hijab of eyes as well as of the dress. Allah Subhanahu wa Ta 'ala says:

"Say unto the believer men that they cast down their gaze and guard their private parts; that is purer for them. Verily Allah is well-Aware of what you do. And say unto the believing women that they cast down their gaze and guard their private parts, and their display not their zinat…."(Qur'an, 24:30-31).

The believer men must cast down their gaze and believer women must cast down their gaze. None is allowed to look at the opposite sex, unless he or she is within the prohibited degree (mahram). As the man is required to struggle for earning the livelihood, he is not told to hide his body (except to a certain extent). Still he is obliged to cast down his gaze; and not to look at a Ghair Mahram woman.

Woman can easily keep herself covered and hidden because her sphere of activity is her home; therefore, she was told to cover her entire body, as well as cast down her gaze and not to look at a Ghair Mahram man.

There are many ahadith which say that:-

"Glance is a poisoned arrow from the arrows of Shaitan".

"Beware of glance because it sows lust in the heart of the glancer, and enough is it for a mischief."

Another hadith says that the Holy Prophet (S.A.W.) said:

"Whoever fills his eyes looking at a women unlawfully, Allah will raise him on the day of resurrection with nails of fire driven in (his eyes), until judgement is given concerning the whole mankind; then he will be ordered to be driven into the Fire."

Numerous Ahadith declare that the glance after the 1st glance is an arrow of Shaitan; and is Haram. Our boys and girls should ponder on these verses and traditions, in order to realize that wearing hijab or scarf is not a licence to look freely at the opposite sex.

So, before getting such feelings for each other, they have already crossed the limit of shari'ah. It is this phenomenon about which the mujtahidin have said that it is definitely wajib for a woman to cover her face and palms if there is a possibility of someone looking at her with lustful eyes. This is fatwa, (not Ihtyat) and all the mujtahidin are unanimous in this matter.

Now comes the second step, and that is "talking to each other" Verbally or in writing. A few authentic ahadith from the Ma'sumeen (A.S)

1. When women wanted to enter into the fold of Islam, the Prophet (S.A.W) Used to make it a condition of bay 'ah that "they should not talk with any man except their

mahram." (Da'a'imu'l-Islam).

2. 'Ali (A.S) said that the Prophet (S.A.W) had prohibited that a woman should talk to anyone (other than her husband or her mahram) more than Five words it becomes necessary. (Man La Yahduruhu 'l-Faqih; Da'a'imu'l-Islam)
3. Imam Ja'far as-Sadiq (A.S) said: Talking with women is among the traps of the Shaitan. (Da 'a 'imu 'l-Islam).
4. 'Ali (A.S) said: "Verily there are five things which follow (other) five things, and these five must throw (the culprit) into the Fire:.... and whoever indulges in joking with young girls and boys, will fall into fornication; and the fornicator is bound to enter the Fire.(Mustadrak).

Talking or joking aside, Islam seriously discourages men to do salaam to women. There are several ahadith in Al-Kafi, Man la yahduruhu 'l-faqih and other books which say that it is makruh for men to do salaam to women, more so if they are young.

Looking at this matter in the light of our present day social and family environment, this business of love-letters may create real problems, if the parents or guardians of the boy or the girl, when approached by them to agree to, and bless their marriage, refuse to do so. The scenarios that may follow this refusal are easy to imagine, but none of them is pleasant.

Q. 31: Non-alcoholic beer!!

The sale of non-alcoholic beer is in fashion here. And when one of my friends visited one such store, he was told he could get alcoholic one too but from the inside of the store! So the objection may not be for the sale of non-alcoholic but the step two of inducing the customer to taste the alcoholic as well!

A: It is the same hypocrisy about which I have written somewhere else and it has come from Mecca and Medina, so it has the sanction of the Wahhabi Islam!! May we ask those Khalids, Fahds and Ben Baz's, why was it necessary to use the name "beer" for a non-alcoholic drink? Was it not to make the name, beer, familiar to the Muslims? And once they have taken the first step, it should not take them long to go further ahead and take the second and then the third steps.

It is narrated by Ibn Majah (one of the Sihah Sittah) that the Prophet said: "There will be some groups of my Ummah who will drink liquor and call it by some other name."

Q. 32: Selling Liquor in obedience of parents:

Zayd's father has a grocery shop which also sells alcoholic drinks. Zayd feels guilty about this and knows pretty well that it is haram and the income is haram also. He has tried to convince his father but to no avail. He then decided to pull out of the business, but then the father and mother said that they were not pleased with him, and the mother said that she would not waive her milk-right and that the very God they are disobeying by selling liquor has said that you must obey parents! I tried to reason with Zayd that obedience of parents is only in compliance of God's command and not to disobey Him; but he is either not convinced or cannot decide due to parental emotional pressure.

A: Obedience to parents is wajib to a certain extent, no doubt. But parents do not have this right independently by their own authority. It is bestowed on them by Allah. Quite obviously Allah's order super cedes all others' orders. As I have mentioned in my book, Family Life of Islam:

“The Almighty Allah is above all rulers and superiors: therefore, His commandments can never be superceded by any other rule, regulation or order. But the superiority of parents is derived from the superiority of Allah; their authority is based upon the command of Allah. Therefore, if ever they give any order which is against the Law of Allah, it must be ignored and disobeyed.” Allah says in the Qur'an:

“And we enjoined on man (to be good) to his parents:…….And if they strive to make you join with Me things of which you have no knowledge, obey them not; yet bear them company in this life with fairness” (Surah Luqman, vs. 14-15)

The same order is repeated in verse 8 of Surah'Al-'Ankabut.

If one commits a sin or crime following an order of his superiors or elders, it does not absolve him from responsibility of that crime. Even the worldly powers do not accept the plea, “I committed this crime because my parents, or elders or superiors had ordered me to do so.” The Nuremburg trials of the Nazis testify to this principle.

As for Islam, there is the laid down principle that, “A creature is not to be obeyed in disobedience of the Creator.” (Nahjul -balagha) Numerous traditions to this effect are found in Shi'a and Sunni collections of Ahadith. Biharu 7 Anwar has a whole chapter in which so many traditions of this meaning have been collected.

A similar plea was offered by Shimr for murdering Imam Husain (A.S). He was praying to Allah for forgiveness. Someone said to him: “How can Allah forgive you when you had participated in murdering the son of the Messenger of Allah?” Shimr said: “Woe unto you! What could we do? These our ulul-amr ordered us to do a work and we obeyed them; had we disobeyed them we would have been in a worse position than this”

Will Allah accept this excuse of Shimr?

Remember, on the Day of Judgement no relative, be he a father or a son, can take the burden of any sin of his relative on his own shoulders. In fact, the relatives will purposefully avoid each other. Allah says:

“The day on which a man shall fly from his brother and his mother and his spouse and his son; every man of them shall on that day have an affair of his own which will occupy him.” (Surah 'Abas, verses 34-37)

Not only that. On seeing the chastisement of the hell, the juniors will curse the elders and the elders will refuse to accept any responsibility of their followers' sins and crime. But this reciprocal cursing will not be of any use to any group. See for example the following verses:

“And they shall say: O our Lord! Surely we obeyed our leaders and our elders, so they led us astray from the path; O our Lord! Give them a double punishment and curse them with a great curse.” (Surah al-Ahzab, vs. 67-68)

“When those who were followed (e.g. the parents in your question) shall renounce those who followed (e.g. the son) and they see the chastisement and their ties are cut asunder. And those who (had) followed shall say: O were therefore us a return (to the world), then we would renounce them as they have renounced us. Thus will Allah show them their deeds to be intense regret to them, and they shall not come fourth from the fire.” (Surah al-Baqarah, vs. 166-167).

As for the mother’s threat not to waive her milk-right, it is just a balderdash. A woman has a right to demand from her husband wages for breast-feeding his child, and the husband has a right to appoint some other woman for this purpose, if the mother’s demand is higher than the prevalent rates.

Therefore, if the mother has any milk-right, it is on her husband, and not on the child. (You

will find some such statements in poetries, but it is just poetic licence. It has no legal standing.)

I pray to Allah to guide the parents as well as the son to the right path, and make them Muslims in reality.

Q. 33: Marriage with Sister-in-law?

Zaid's sister-in-law (wife's sister) is divorced and staying with him and his wife. Islamic rule is that he cannot marry his wife's sister unless due to some reasons. His problem is that his wife's sister is in love with him and this was brought to his attention by his wife, who does not object even if laid wishes to marry her. Zaid is getting more inclined towards her; but at the same time, he does not wish to commit any sin. Can he marry her or do mut 'ah marriage with her?

A: I was shocked to receive the above letter. Marrying two sisters at one time is absolutely haram (unlawful). There is no question of there being or not being a "reason". It is forbidden in the Qur'an and is not lawful in any circumstances in any sect of Islam.

Now one may appreciate why Islam forbids a woman to come with open face before her brother-in-law, and why a man is forbidden to look at his sister-in-law's open face. If people remain within the boundaries of Shari'ah, such fitnah and mischief will never occur.

I most sincerely advise Zaid to at once turn this woman out of his house, who is not averse to breaking the home of her own sister. For God's sake, terminate all contacts with her.

May Allah give Zaid tawfeeq to follow Islam and not to be tempted by the Satan. It is Satan who is using his sister-in-law as a trap to ensnare him.

Q. 34: Music At Jama 'at's Musafirkhana

The caretaker in our Musafirkhana gets a nominal salary plus free accommodation including water and electricity. He has a video/TV of his own. However, he sometimes watches Indian film programmes in which there is music and other obscene scenes which are against our Shari 'ah. It has also come to our notice that guests go to his room to view such programmes. Although this is a personal and private affair as claimed by him, but such un-Islamic activities are held wiihin the precincts of our Musafirkhana which is run according to Shari 'ah. Also electricity bill is paid from the revenue of our Musafirkhana.

Please give your guidance on this issue.

A: Let us suppose somebody openly uses the Musafirkhana premises for drinking liquor and giving it to other Mu'mineen. What will be your reaction if, on being told not to do so, he replies that it was his "personal and private affair"?

In fact it is not a personal and private affair because the sin is committed openly. If someone openly neglects prayer, then it is not his personal and private affair, and it becomes wajib on everyone whose words would be effective to advise, exhort (and, if possible, compel) him to pray. To order good and forbid evil is wajib on every person.

It is regardless of the fact that the said sin is committed in Jama'at's premises. The Jama'at has a right and a duty to make sure that its properties are not used for anti-Islamic activities.

Add to this the fact that electricity is provided by the Jama'at. So in a way the Jama'at is helping in it.

And finally, when he turns his room into a cinema-hall, then it becomes "Fasad fil ard"

(spreading fasad, evil, mischief, in the world), which is another major sin and also a capital crime in Sheri'ah. May Allah give him light to see the reality.

Q. 35: 'Aq of parents:

Can a child who has been disowned ('AQ) by his father during the latter's lifetime inherit from his deceased father's estate?

A: Certainly. There are only 3 situations in which an heir is debarred from inheritance:

1. If the said heir has killed the deceased;
2. If he is Kafir or
3. a slave.

   Also a child of Li'an is excluded from the estate of his mother's ex-husband.

There appears to be a widespread misconception in Indian society about this business of making *'Aq*. *'Uquq* means "to be disobedient, disrespectful, undutiful." If a child is disobedient, he will be written by the angels as a disobedient child, even if a parent does not say so even once; and if he is not disobedient, then in the eyes of God he is "not *'A*q" even if his parents declare so with drum beats. In any case, this is a matter concerned with a child's felicity or otherwise in Akherah; it has no effect on his right of inheritance.

Of course, if one makes a will debarring any heir from inheritance, and that heir gives his/her assent to it, it will be enforced because of the heir's voluntary assent and acceptance.

Q. 36: A CHILD OF MUT"AH MARRIAGE:

Is a child born from Mut'ah marriage entitled to inheritance from his father or mother upon his/ her death?

A: Certainly. A legitimate offspring inherits both parents, whether he is born in the so-called "permanent marriage", or in mut'ah marriage, or from a slave girl.

Q. 37: EXECUTOR OF WILL:

If a single trustee is appointed to execute the will by the deceased and he refuses to act, who is entitled to appoint a replacement?

A: The question is confusing. Probably you mean an executor of the will, and not a trustee of a waqf. In our shari'ah, wasiyyat is of two kinds: (1) Tamlikiyah, which involves property or money matters, and (2) 'Ahdiyah, which conlerns other matters, like where he should be buried and things like that. The former requires acceptance by the executor, but not the latter. Of course, there is a lot of detail involved which cannot be given here. However, if the appointed executor refuses the appointment, the mujtahid has the authority to appoint someone in his place. If the executor does not reject, but is lethargic in discharging his duties, or feels difficulty in acting alone, the mujtahid may appoint someone to assist him or to supervise his work

Q38: VALIDITY OF A CERTAIN WILL:

A deceased has mentioned in his will that a certain person should not be allowed to attend his funeral. Is the will in order? What if the said will is made against the eldest son? Who

should then be asked about arrangements of funeral etc.?

A: A person certainly has a right to do such a wasiyyat. So far as its implementation is concerned, it is easy in places where funeral arrangements are made and controlled by the family. But in societies like the Khoja Community, where every thing is done by the Jama'at, and the funeral time is announced publicly, one has to choose the lesser evil. I mean, the heirs have to decide whether informing the person concerned would cause (or increase) fitnah and friction or not. Avoiding friction is always more preferable. As for the permission of the eldest son (in the situation mentioned in the question), the mu'mineen may ask him together with the other heirs. It will be more in conformity with Ihtiyat.

Q. 39: ABOUT SUSPICION AND ACCUSATION:

What does Holy Qur 'an and Hadith say on: (a) Accusation, (b) suspicion and (c) Tuhmat, i.e to accuse /suspect someone of doing wrong without any proof at all.

A: **Suspicion:** "To suspect someone of doing wrong without any proof." It is "haram ". Allah Ta'ala says:

“O you who believe! avoid most of suspicion, for surely suspicion in some cases is a sin; and do not spy nor let some of you backbite others. Does one of you like to eat the flesh of his dead brother? But you abhor it; and fear Allah, surely Allah is Oft-returning (to mercy), Merciful”. (Qur'an, 49:12)

The Ma'sumeen (A.S) have said that if you find your mu'min brother doing or saying something which can be interpreted in seventy ways, sixty nine of which are bad and only one is good, you should give it that one good meaning, and ignore the other bad interpretations.

Accusation: If it is untrue then it is called Tuhmat, which is even worse than ghibat (backbiting) which has been so severely condemned in the above-mentioned ayat In one particular case (i.e. slandering a married mu'minah lady of adultery without producing four witnesses) it is also a crime for which the slanderer is punished with eighty lashes

If the accusation is true, then it is called ghibat, the gravity of which has been mentioned above. But in some cases it is allowed, as for example, when giving evidence before a Qadi of Shari'ah, informing a guardian of misdeeds of his ward (when the intention is the reform of that ward) or giving advice to someone, if asked for some important matters: Let us say, when someone sends matrimonial message for a girl and the girl's guardian asks you about that person's suitability. Details may be seen in Minhaju's-Saliheen (Vol. 1) of Ayatullah al-Khoui.

Q. 40: Jama 'at 's meeting in Husainiya:

Are Jama'at's meetings allowed to be held in Imambara?

A: Yes.

Q. 41: Using Obscene language:

Is bad /filthy words and language allowed to be used in Husainiyah?

A: Such language is not allowed anywhere. In fact, if one uses such language in sacred places like masjid or Imambara, its sin will increase.

Q.42: Helping Sunnis ' Projects:

We being Shi'as, is it allowed for us to give assistance to our Sunni brothers' Mosque. Assistance like roofing of the portion used for prayers, providing them water supply, any repairs, providing mats etc. ?

A: Yes, you may assist the mosques of the Sunnis, as explained by you. But it should not come from Khumus, Zakah or Wajib Sadaqah.

Q. 43: USING SADQA MONEY FOR GENERL WELFARE:

Presently there is an outbreak of Meningitis in many parts of Tanzania. Can Sadaqah money be used to buy vaccines in order to be injected to the public or to school students? We are not Sure, that all those who are going to be injected are poor or not. Majority to be injected will be Africans.

A: The reply is the same as above. Helping fellow human beings is highly recommended.

Q. 44: CATEGORIES OF HEIRS AND THEIR SHARE:

Parents, brothers, sisters, wife and children survive a dead Muslim. What are their shares in inheritance? In what manner it changes in the absence of one or the other group of relatives?

A: In Shi'a shari'ah, blood relatives are divided in 3 categories;

First: Parents and children. When there are no children at all, then their children take their place.

Second: Grandparents (both paternal and maternal) and brothers and sisters. When there are no brothers and sisters at all, their children will take their place.

Third: Paternal and maternal uncles and aunts. If there is none, then their children.

Husband and wife will inherit each other with all the above mentioned three categories.

As long as there is even one person of first category, the second and third categories will get nothing. In the absence of the first, the heirs of the second category will inherit. And if there is no one in the second category too, then the heirs of the third category will inherit.

Now in your question, brothers and sisters will get nothing in the presence of parents and children.

If there is only one heir in the first category (only father, or mother or a son or a daughter) he/she gets the whole estate. If there are only the parents, the mother gets one third and the father two-thirds. If there are the children only, a son gets twice the share of a daughter.

If there are both parents, wife and children, then the shares will be as follows:-

Father, 1/6; mother 1/6; wife 1/8; and the remaining 13/24 will be divided among the children, a son getting double of what a daughter gets.

If there are only brothers, sisters and wife, the wife gets 1/4; and the residue is divided among the brothers and sisters.

If there are only brothers and sisters, the estate is divided as in case of children (a brothers getting double of a sister). Of course, there are many details involved. Why not look into an English book of Masa 'ill

Q. 45: DOES A GRANDCHILD INHERIT IN PRESENCE OF A SON OR A DAUGHTER?

A son dies in the life-time of his father. The father has other sons and daughters. After the death of the father, would the children of the deceased son inherit along with their uncles and aunts?

A: No. Nearer heirs exclude the remoter ones from inheritance. Sons and daughters, being nearer to their father, exclude his grandchildren from inheritance because they are one degree removed. However, it is very much emphasized that the grandfather should give them a part of his estate through wasiyyat or gift; it would be in keeping with the obligation of Sila-e-Rihm, and in accordance with the Islamic mercy.

Q. 46: Distribution of deceased's estate:

Mr. A. was drowned.

Beneficiaries of his estate are as under:

1. *Father (died after one month).*
2. *Mother*
3. *Wife*
4. *Son - (underage, minor)*
5. *Daughter*
6. *daughter - (Underage, minor)*
7. *Daughter - (Underage, minor)*

Distribution of Cash/Bank balances was made as under:

Principal amount, after paying the Khums due, wasdistributed as under:-
Estate of the Father 1/6th
Mother 1/6th

Wife 1/8th

After that, the balance was divided among the children, 2/5 going to the son, and the 3 daughters getting 1/5 each

During his life-time, the said Mr. A had bought a plot and started constructing a house for his own residence. The work was in progress when he died. The work was was completed after the deceaseds father died.

After the construction was completed, the deceased's family decided as under:-

(a)To stay at the ground-floor of the house.

(b)To give on rent the 1st floor to one of the brothers of the deceased.

Now The following questions are to be resolved: Can the family of the deceased stay in the said house without paying any rent?

A: One-sixth of the portion of house built up in the deceased's life had vested to the late father of Mr. A and now proportionately belongs to the heirs of the said father. Therefore, those heirs' consent must be obtained for this purpose. Also the wife should get consent of the remaining heirs to stay in that house.

Q. 47: Concerning the above:

How can the distribution of the said property be made in the light of the fact that the property cannot now be sold?

A: If it cannot be sold, then all the heirs of the late Mr. A as well as the heirs of Mr. A's late father will jointly be its share-holders, according to their appointed shares.

Q. 48: Protection of the minors ' shares:

Concerning the above estate, since one son & two daughters are still minors, how can their respective shares be protected.The deceased's father, during his lifetime, had decided to appoint one of the brothers of the deceased to be his appointed trustee to act as the guardian of the children of the deceased but could not put it down in writing as he was in hospital at that time.Can the intended "appointed" trustee be the guardian of the children? If not, who can be the guardian?

The wife of the deceased has no objection to the appointment of the said trustee.

A: If the grandfather had already appointed someone to act as guardian of his minor grandchildren, then the said guardian will look after their interest until they attain majority and *rushd* (maturity of mind). Verbal appointment is enough; writing is not essential. However it should be kept in mind that "intention to appoint someone" is not the same as "appointing someone".

What I have written above applies to the situation where the late grandfather had "appointed" one of his sons as the guardian, executor of the will, for his minor grandchildren.

However, if he had only shown his intention without saying "I appoint my son,............,as guardian for my minor grand-children," then the Mujtahid or his Wakil has authority to appoint a guardian. In the case mentioned in the question, if the mother of the minor children agrees to the intended appointment, then I do not see any difficulty in his appointment, and it may easily be given consent to by the Mujtahid or his Wakil, if they are approached

Q. 49: Expenses concerning the minors ' shares:

In the above situation, what sort of expenses can be disbursed against the minors' respective shares till they attain the age of majority?

A: Only the expenses necessary to keep the property in good repairs, and to meet the legal expenses like site tax etc. should be proportionately debited to the minors' shares. Purchase of decorative pieces or expenses of guests' entertainment should not be charged to their shares. The expenses incurred in their education, up-keep and health care may be taken from their shares. So may be the marriage expenses (simple Islamic one, not the lavish extravaganza which is seen in marriage ceremonies nowadays).

Q. 50: Taxes recognised in the Shari 'ah:

Which Taxes are recognised in Islamic Shari 'ah?

A: Islam has imposed the following taxes in a Muslim's wealth and/or earnings:

1. Zakah (including 'Ushr),
2. Khumus,

3. Khiraj of agricultural land,
4. Various types of Kaffarahs,
5. Various kinds of prescribed fines imposed by a Qadi of Shari'ah,
6. Fitrah.

Apart from these compulsory payments, there are voluntary offerings like Sadaqah, Khairat etc.

An Islamic government may urge the Muslims to contribute for some specific projects related to security of state or common welfare, But normally it is a voluntary exercise; although in cases of emergency it could be imposed by force.

Q. 51: Any other Income or wealth Tax?

Is there any other Income Tax recognised by Islam?

A: The only Income Tax recognised is Khumus, and only Wealth Tax is Zakah (including 'Ushr). No other such tax is recognised by the Shari'ah.

Q. 52: Customs Duty and Sales Tax:

Are Customs Duty and Sales Tax recognised in Shari 'ah?

A: No. The whole Earth belongs to Allah, and man-made artificial boundaries (resulting from the un-Islamic concept of nation-states) are not recognised in Islam. Consequently all the rules and institutions based on that concept (Immigration, Passport, Visa, Customs, Restrictions on export and import etc.) go against the Islamic spirit although in present days even Muslim countries follow this system based on nation-state concept since the 18th century of the Christian Era.

Q. 53: A voiding Income Tax and Customs Duty:

In view of the replies to the preceding three question, will it be OK if one avoids paying proper income tax or customs duty? Especially if it is a non-Muslim government?

A: No. According to Ayatullah al-'Uzma Sayyid 'Ali Sistani it is not allowed. Let us say, you are on a visit to Canada. Your written or verbal application for visa constitutes an implicit undertaking on your part to obey the law of the land. And an agreement has to be fulfilled and implemented, even if the 2nd party is a non-Muslim or an atheist. The same applies if you are a citizen of the country, because citizenship entails an explicit or implicit agreement to uphold the constitution and obey the laws.

Q. 54: Cheating a bank or shop

Also, is it OK if we cheat a non-Muslim bank or steal from a non-Muslim shop or company?

A: Again No. The reason given above applies to this case too. You have agreed to obey the law of the land; and no country would allow you to cheat its financial institutions or to steal from companies, shops or individuals.

Q. 55: Selling a worn out freezer:

The Jama 'at possesses one deep freezer which is in a very bad condition and not properly working. It was given by one Mu 'min a long time ago on either donation or wakf basis. Under such circumstances are we allowed to sell this property as after sometimes we wont get a good price due to its condition.Fortunately, a Mu 'min from Dar es Salaam has donated a new deep freezer for the Jama'at. We would like to know the Islamic Shari 'ah for it.

A: In the circumstances mentioned in your question, you may sell the said deep freezer. The price thus realized should be used for a similar purpose; it should not be treated as a general income of the Jama'at.

Q. 56: Concerning a disused cemetery:

There is a cemetery in our locality, and the Mo 'mineen of the locality still bury dead in its eastern and western ends. Although no fresh corpse has been buried in its middle part since about last 70 years, yet there are still signs of the old graves. The above middle part of the land has turned now into a playground and fun-place for youngsters: also the government has occupied one part of the said portion by installing a tube-well for Water Supply to the locality and other adjascent villages and is going to construct a pump-shed too: and the adjacent peasants have made encroachments too. Now the Shi 'a youths of the village have started construction of a school building here in which both the general and religious subjects shall be taught. The plinth of the school building has already been constructed which has involved an amount of about Rs. 20,000/ = up till now. Now in order to make sure that there is no obstacle from the Shari 'ah point of view, we raised the issue with Ayatullah al- 'Uzma Aqae Khoui, who has favoured us with the ruling to go ahead subject to the condition that the cemetery does not come under the ambit of Waqf (Copy enclosed for ready reference). Now we are in dilemma whether the said cemetery may be called Waqf of not; because there is no information regarding the said piece of land except that:-

1. *The land in question had originally been a Common Land not owned by anyone. (The extract of Patwari record, showing the said land as Shamilati Deh i.e. a common land, customarily known as common grazing field/ pasture, is enclosed.) It is besides the fact that there is no evidence that it has ever been anyone's personal property or otherwise which was endowed for the purpose.*
2. *Our ancestors later used the land for burial.*
3. *There are signs of old graves almost all over the land and process of burying is still going on in its eastern and western ends as mentioned above.*
4. *The land in question is widely known as cemetery.*

Meanwhile, we have received a fresh issue of "Al-Tawhid" (English) from Tehran which contains an article with regard to Waqf by 'Allamah Muhammad Jawad Maghniyyak (Copy enclosed for your perusal). The worthy 'Allamah has Elaborated the issue of cemetery in detail and has made it clear that such type of cemetery which has originally been a common land is not to be reckoned as Waqf.

We may humbly request your gracious-self to kindly guide us and make us aware about our "Shari 'ah obligations " on this issue. We couldn't further correspond with Aqae Khoui as there is no communication facility available at present and also it usually takes a lot of time to get any reply from him, when the matter is of great importance for us and needs immediate settlement.

A: Your letter with enclosures has been sent to me by the World Ahlul Bayt Islamic league (London). It appears from your explanation and the attached papers that the said plot (used as cemetery) was not a Waqf. The plainned school for secular-cum-religious education may be built, if the builders strictly adhere to the conditions laid down by Ayatullah al-'Uzma as-Sayyid al-Khoui in his reply. And Allah Ta'ala knows better.

Q. 57 On Various hair-do 's:

My wife plaits hair using the artificial hair which they call "Rasta":

(a) Is this permissible

(b) Will her ghusl- hayd or Janabah be OK with her plaited hair intact?

(c) What about the current feminine hair fashion which they call "Curl"?

(d) What about bleaching of skin?

A:

(a) No harm, if the hair used is not of a Kafirah woman.

(b) If water reaches every part of the head skin, then it is O.K. Washing hair is not necessary in Wajib Ghusl.

(c) No harm.

(d) There may be harm from medical point of view; but from shari'ah point, there is no difficulty.

Q. 58: Using water is harmful:

Since delivery of my child 5 months ago, if I use water (hot or cold) for wudhu etc., I get internal troubles. How should I pray?

A: you should do Tayammum in place of wudhu or ghusl (as and when necessary) and perform your prayers.

Q.59: Wudhu after Ghusl-e-Janabat:

Is it not permissible to perform wudhu after Ghusl Janabat?

A: It is not allowed, according to Ayatullah al-'Uzma Gulpaygani. As for Ayatullah al-'uzma as-Sistani, he says that Wudhu is not required after Ghusl-e-Janabah.

Q. 60: How the Prophet (S.A. W) used to pray?

How did the Holy Prophet (S.A. W) used to pray in sajdah, Quiyam, etc.?

A: As we the Shi as do. Our method of prayer comes from our Imams who had inherited it from the Prophet (S. A.W).

Q. 61: Should Salaam in prayer be said loudly or in WHISPER?

When I'm in Salah, during Salaam at the end of prayer do I say it quietly or loudly?

A: In dawn prayer it is said loudly; in other four prayers, in whisper. The custom is that you recite the salaam in the same voice which you used for the last rak'ah of that prayer. Also

the dhikr of ruku' and sajdah, should be recited in the same voice as used before ruku'.

Q. 62: This refers to your reply to my earlier question

That dhikr of Ruku' and Sajdah etc. in each rak 'ah should be recited either loudly or in whisper according to the voice used before ruku'. Now, should I say salam (at the end of salah) loudly and then the ma'moom repeats it, or I just keep them totally silent in all prayers?

A: Your previous question did not mention congregational prayers. What I had written was about furada (individual) salah. In congregational prayer, the Imam should recite dhikr of ruku' and sajdah, as well as tashahhud and salaam in normal loud voice. (He should not "shout").

Q. 63: PRAYING BEHIND A WOMAN:

If in a community no male Muslim has learnt about Islam, and there is a Muslim lady well-versed in Qur 'an etc., can she lead the males in prayers?

A: She may lead a congregational prayer of the ladies only; but if even a single man stands behind her, she can not be the Imam of that prayer.

Q. 64: Praying in a Sunni mosque:

I go to a Sunni mosque for praying. The Imam does not hate the Shi 'as. Can I pray behind him? And how?

A: There is no objection if the Imam does not show any hatred towards the Shi'as.

When you want to pray behind a Sunni Imam, you must recite Surah al-Fatiha and the other surah in the first and the second rak 'ahs in whisper.

Q. 65: Why 3-time prayers?

The difference in time: why do Sunnis pray 5 times separately and the Shi 'as 3 times?

A: You have used wrong wording in the question. The prayers of' Asr and 'Isha are not prayed simultaneously with Dhuhr and Maghrib respectively. They are prayed after Dhuhr and Maghrib. Thus we do not pray "3 times"; this also is "5 times". You should have asked: Why do we pray 'Asr and 'Isha soon after Dhuhr and Maghrib? The fact is that even the Sunni books record that the Prophet (S.A.W) some times prayed 'Asr soon after Dhuhr and 'Isha soon after Maghrib, in order to give his Ummah some latitude in this mater. However, it is more rewarding to pray each prayer in its fadhilat time. For description of Fadhilat times, read "Elements of Islamic Studies".

Q. 66: PERFUME IN PRAYER

Can we use perfumes in prayers? If i put perfume and then go to the mosque, am I allowed to pray with it?

A: Yes. Using perfume for prayers is highly recommended and brings more reward.

Q. 67: THE FIRST MOSQUE BUILT:

Which was the first mosque built by the Holy Prophet (S.A.W)?

A: The mosque of Quba, a few kilometres outside Medina, where the Holy Prophet (S.A.W) had stayed for more than 14 days waiting for 'Ali (A.S) and Ahlul Bayt. He built there the mosque which is extolled in the Qur'an as the *“mosque founded on piety (taqwa) from the very first day”*. (Qur'an, 9:108).

Q. 68: RECITING SHAHADATAIN IN FUNERAL PROCESSION:

In this part of the world when the Muslims carry a dead-body for burial, they loudly recite the Shahadatayn. Some people say that it is not allowed because it is an innovation. What is the truth?

A: It is true that it is an innovation. But it is wrong to say that every thing started after the Prophet (S.A.W) is unlawful. One should see whether a particular "innovation" is good or bad; whether it conforms to the demands and nature of Islam or not, and then should decide accordingly. In this case, Reciting La Ilaha Illallah, Muhammadun Rasulullah, is not bad at any time. Why should it be considered unlawful in a funeral procession?

Q. 69: WHEN AND BY WHOM WAS THE SYSTEM OF WASHING THE FEET IN WUDHU INTRODUCED?

At what stage of Islamic history and by whom, the form of Wudhu (especially washing the feet) was changed?

A: It appears from some Sunni writings that it was changed by 'Umar. The famous Sunni scholar, Shah Waliullah Muhaddith Dehlavi (the father of Shah 'Abdul 'Aziz Muhaddith Dehlavi) has written in Izalatul 'l-Khifa' (vol.2, p. 84): There are many masa'il concerning which conflicting traditions have been narrated, and Hazrat ('Umar) Farooq found practical adjustment (for them),and the mujtahids follow the same practice, like................ the mas 'alah of washing the feet (in Wudhu) and the mas 'alah of mut'ah."

The Sunni traditions mention the names of some of the companions and tabi'in who did not follow the system prescribed by 'Umar. The list includes not only 'Ali (A.S), 'Abdullah ibn 'Abbas, Anas ibn Malik, but 'Abdullah ibn 'Umar also, apart from 'Ikrimah, A'mash and Sha'bi. (Tafseer Ad-Durru'l-Manthur, vol. 2, p.263). But obviously the Sunni mujtahidin could not leave the Sunnat of 'Umar.

Q70: RECITING SURAH WITHOUT BISMILLAH IN SUNNAH PRAYERS.

In sunnah prayers, can we recite the sura without Bismillah? For example, whenwe recite Surah Qul Huwallah seven times in the prayer of the Night of Destiny?

A: No. Bismillah is a part of every Sura (except Surah 9). If you drop it, you have not recited Qul Huwallah completely.

Q71: DROPPING BISMILLAH IN QUR’AN KHWANI:

Can we drop Bismillah in Qur'an Khwani, especially when time is short?

A: It is a must in the beginning of the Surahs (except the 9th Surah) as mentioned above. For other parts it is not necessary, although highly emphasized. If time is short, you may recite it, even in whisper, just before your turn to recite Qur'an comes.

Q. 72: FOLDING ARMS IN PRAYERS?

By whom and in which period of Islamic history was the folding of arms in prayers introduced?

A: It appears from some reports that when Iranian prisoners were brought before 'Umar, they stood before him with folded hands. On being asked the reason, they said that it was their custom to stand before the elders with folded hands. 'Umar said: Then we too should do the same when we stand before Allah in prayers. That was the beginning. But as I will explain later, the idea was not accepted in Medina there are some pointers which show that it had caught up in the early days of Mu'awiyah's governorship in Damascus. When Anas ibn Malik, a companion of the Prophet (S. A. W), went to Syria, he wept and said: "I do not see here anything which I used to see in the days of the Prophet (S.A.W), except this prayer, and that too is disfigured." (Sahih al-Bukhari).

Then there are these four Imams of the Sunnis. Look at their fatwas concerning this matter; and you will see the truth yourself.

1. Imam Malik ibn Anas (died 179) lived in Medina.He orders his followers (the Malikiyah) to keep their hands open, saying that it is the way the people of Medina pray, and they must have learnt it from the Prophet (S.A.W).
2. Imam Abu Hanifah (died 150 A.H) and Imam Ahmad ibn Hanbal (died 241 A.H.) lived in Iraq and they ordered their followers to keep the hands folded.
3. Imam Shafi'i (died 204 A.H.) was born in Mecca, studied in Medina and then shifted to Iraq and finally to Egypt. He gives his followers choice of folding the hands or keeping them open.

Have you noted the connection between their places of residence and their fatwas? The man who lived in Medina kept the hands open; those who lived far from Medina folded their hands and the one who lived in both places allows both customs. It make us believe that the custom of folding the hands in prayer was invented far from the city of the Prophet (S. A. W).

Q.73: SAYING 'AMEN' IN PRAYER:

I notice that we the Shi'a do not say "AMEN" after al-Fatiha. As you know, I was previously a Sunni. Now what I want to know is: Did one of the first 3 Caliphs introduce this system? Or did this bid'ah come in Islam from the Ummayads or Abbasids?

A: It is not definitely known when this custom was started and by whom. But there are traditions from the Imams of Ahlul Bayt (A.S) which say that saying "Amen" after Surah al-Fatihah in prayer is bid'ah. One such tradition from Imam Ja'far as-Sadiq (A.S) says: "When you are (praying) behind an Imam and he finishes Surah al-Fatihah and completes it, you should say, "Alhamdu-Lillahi Rabbil 'Alameen", and do not say "Amen". (Al-Kafi and Tahdhibu 'l-ahkam). It indicates that saying "Amen" had become established by that time, i.e. in Umayyad period.

By the way, the Sunni book, "Naylu 'l-awtar " quotes Imam Malik (the leader of the Malikis) as saying that the Imam should not say "Ameen" in those prayers which are recited loudly.

Q. 74: KADHALIKAALLAHU RABBI

We say, Kadhalikallahu Rabbi, (Even so is Allah, our Lord), after Surah Qul Huwallah, in prayer. Is it correct? This sentence is not in the Qur 'an.

A: According to ahadith, it is mustahabb to say it after surah Qul Huwallah, whether in prayer and at other Occasions. Likewise, it is mustahabb to say, *“La bi shayin min 'alayika Rabbi ukadhdhib”* (None of your bounties do I reject, O my Lord!) after every *Fa bi ayyi'alayi Rabbikuma tukadhdhiban* (Which then of the bounties of your Lord will you deny?) in Surah ar-Rahman. These are not parts of the Qur'an; they are included in the etiquette of the recital of Qur'an.

Q. 75: SAJDAH ON WOOLEN CARPETS

The Iranian clergymen urge the Shi'as to offer their prayers on the woollen carpets of the Masjid un Nabi and to prostrate on the same without using muhr, for the sake of Islamic unity. Is it valid?

A: It is OK if done because of Taqiyah. However, I have seen a lot of Shi'as from Qateef and Bahrain using small mats (made of palm leaves or other such reeds) for prayer even inside the masjid of the Prophet (S.A.W), and obviously nobody can object to it.

Q. 76: TURNING HEAD RIGHT AND LEFT IN PRAYER:

We the Shi 'as don’t turn our heads at the end of Salah, like the Sunnis do, when they supposedly salute the angels by saying "As-Salamu 'Alaykum Warahmatullahi wa Barakatuh" turning their heads to the right, then to the left. How did that system come into the Salah?

A: In fact it is a Sunnah of the Prophet (S.A.W) to turn fractionally one's glance (not the head) first to the right and then to the left at the time of salaam. But the Sunnis have exaggerated it to such an extent that they turn their faces completely to the sides. It appears from some unconfirmed reports that it was started during the first Khalifa's time. One fails to understand how this custom conforms with the 'niyyat' (intention) of praying "with my face towards holy Ka'bah". They do this niyyat and then twice turn their faces away from the Ka'bah. Does that niyyat remain valid? Likewise, they do niyyat to fast from before dawn to after sunset; and then break their fast without making sure that the sun has really set. Does that fast remain valid?

Q. 77: ON SALAAM AND TASHAHUD

Some times I get into a discussion about how we the Shi'as say 'alayhi 's-salaam after mentioning 'Ali and the Imams. I know its in Sahih Bukhari from what I have read, but where is it in Shi'a books? Fakhruddin ar-Razis Commentary on how to salute the Prophet says: "The companions came to al-Nabi (S.A. W) and said: "How do we salute you? O, Messenger of Allah (S.A. W)? "; and he said: "Say: O Allah, venerate Muhammad and the aal of Muhammad like Thou didst venerate Ibrahim and the aal of Ibrahim: O Allah, bless Muhammad and the aal of Muhammad like Thou didst bless Ibrahim and the aal of Ibrahim in the world; surely Thou Art praised and magnified " And when you give salam on me don’t just stop there implying that Ahlul Bayt (A.S) should be included. Then a Sunni scholar said: "Why don’t the Shi'a say this Tashahhud when they include Ahlul' l-Bayt (A.S) in Salawat on Muhammad Can you explain, please!

A: We surely include Ahlu'l-Bayt (A.S) in the Salawat. Our prayer is based on the prayer as shown and taught to us by the Prophet and his Ahlu'l-Bayt (Peace of Allah be on him and them all). If a statement or sentence is correct it does not mean that it should be made a part of prayer. For example, it is a fact that Muhammad (S.A.W) is the Wali of God, and His chosen and beloved friend. But what do we say in the Tashahhud? "I bear witness that

Muhammad is His servant and Messenger." That's all. No other attribute or adjective is used. After that comes the "Salawat" and only that sentence is used which is prescribed for this purpose here, and which is taught to us by the Ahlu'1-Bayt (A.S).

Q. 78: CORRECT PRONOUCIATION OF SALAWAAT

Some people say in Salawat: Allahumma Salli 'ala Muhammad wa 'ah Muhammad. Is it correct?

A: The correct way according to Arabic grammar is, *Allahumma Salli 'ala Muhammadin wa 'ali Muhammad.*

Q. 79: HOW ADHAN WAS INSTITUED?

According to Sunni Tarikh the adhan was instituted by one of the companions hearing it in a dream... so it is said that the Prophet told Bilal ibn Raba (R.A) to go on the top of the Masjid-un-Nabi and say Adhan. It sounds as if Adhan was something the Muslims made up at the spur of the moment.

A: There are so many traditions in the Sunni books, all contradicting each other: there are so many companions mentioned in various stories that one is bound to think that each narrator had his own axe to grind - wanted to promote his own favourite companion.

Adhan is an 'ibadah (act of worship); how can an 'ibadah be instituted through people's consultation? Our traditions say that when the Holy Prophet (S. A.W) ascended to heaven in Mi'raj, Jibra'il said adhan and the Holy Prophet (S.A.W.) led the angels in prayer. But it will be wrong to infer from this tradition that adhan was started in Mecca. It was not. It was started after hijrah in Medina, but its basis was that adhan of Jibra'il during the Mi 'raj.

Among Sunni Muhaddithin, at-Tabarani has narrated from Ibn 'Umar a hadith similar to what I have just narrated from our books; also Ibn Marduwayh has narrated from 'A'ishah from the Prophet a similar hadith.

Masjid-un-Nabi in those days was thatched with date-fronds. (Minarets were not invented for mosques in the early days of Islam. It is a later innovation.) So, Bilal ibn Rabah (not Raba) (R.A) could not get on the top of the Mosque of the Prophet (S.A.W).

Q. 80: CHANGES IN ADHAN

I tell some brothers that the 2nd caliph 'Umar ibn Al-Khattab took Hayy 'Ala Khayril 'Amal out of the Adhan and added "As Salatu Khairum Minanawum ". They say where is your proof? So that s why I 'm coming to you to know where is the proof in the Sunni books?

A: These are well-known facts, although Sunni scholars keep them hidden from their followers.' Allamah Qawshaji and 'Allamah Taftazani (two authoritative Sunni scholars and theologians) have written in their books, Sharh Tajrid and Sharh Maqasid, respectively, that:

“Umar (2nd Caliph) said: 'There were three things in the days of the Messenger of Allah (S.A.W). I forbid them and make them haram (unlawful) and shall punish for them: Mut'ah (marriage) of women and Hajjut-Tamattu', and Hayya 'ala Khayril-amal.”

Imam Malik ibn Anas has narrated in his al-Muwatta' that during the caliphate of 'Umar the Mu'azzin came to call him for the dawn prayer and found him asleep. He said:

As-salatu Khayrum minan nawm (Prayer is better than sleep); 'Umar woke up and ordered

the Mu'azzin to include it in the Adhan of Fajr." (Kanzul ummal, vol. 4, p. 270).

When 'Ali (A.S) heard it, he said: "Do not add in Adhan what is not in it." (Naylul-Awtar of Imam Shaukani, vol. 1, p. 238). But obviously, Khalifa's order was obeyed.

Many other references can be quoted for these things, if necessary.

Q. 81: BID'AH IN TARAWIH

I read in a book that the "Tarawih " prayer is bid'ah according to shia. Can you give me a short history of its institution and how it came into being?

A: Nawafil prayers are not allowed with Jama'at except salatul-istisqa' (the salat for praying to Allah to send rain). But 'Umar, in defiance of this rule of shari'ah, made people pray nawafil with Jama'ah in the nights of the holy month, and he himself said that it was a good bid'ah! See for example the following report of Sahih al-Bukhari (the chapter of Taraweeh):

'Abdu'r-Rahman, son of 'Abd said : "I went with 'Umar to the Masjid in a Ramadhan night; and there were people disorganised.... Then 'Umar said: 'I think it would be ideal if I make them pray together with one reciter' (i.e., behind an Imam of Jama'at); so he thus decided and gathered them behind Ubay ibn Ka'b.... Then I went there with him another night and the people were praying with one Imam. 'Umar said: 'A good bid'ah is this.'"

'Allamah Qastalani writes in Irshad as-Sari (Commentary of Sahih al-Bukhari): He called it bid'ah, because the Messenger of Allah had not prescribed it for them nor was it in the days of the (first caliph) Siddiq (R.A), nor was it for the early parts of night, nor to this (fixed) number."

Imam as-Suyuti (in Tarikhu 'l-Khulafa) Muhammad ibn Sa'd (in at-Tabaqat) and others have clearly counted the Taraweeh among the things started by 'Umar.

'Umar started it in Ramadhan, 15 A.H., the second year of his caliphate.

Q. 82: SPECIAL NAWAFIL FOR THE MONTH OF RAMADHAN:

Do we Shi 'as have special prayers during the Holy month of Ramadhan other than the Wajib 5 prayers?

A: According to our traditions, there are 1000 rak'ah prayers (i.e. 500 prayers of 2 rak'ah each) spread over the 30 nights of the holy month. The details are as follows:

From 1st to 20th night: 20 rak'ah every night (8 rak'ah after Maghrib and 12 after 'Isha) Total: 400 rak'ah.

From 21st to the end of month: 30 rak'ah every night (8 after Maghrib and 22 after 'Isha) Total: 300 rak'ah.

19th, 21st and 23rd nights: 100 raka'ah each night Total: 300 raka'ah.

Thus 400+300+300=1000 rak'ah.

It is to be prayed NOT in Jama'at because Nafilah prayer is not with Jama'at. This was the mistake made by 'Umar (in Taraweeh) that he made people pray nawafil with Jama'at.

Q. 83: DECLARATION OF NEW MOON BY MUJTAHID'S ORDER:

The first date of a month is not proved by the order of a Mujtahid and it is better to observe precaution." (Mas'alahNo. 1740). Please explain for me what does this Fatwa mean.

A: It is a Mujtahid's prerogative to find out a rule of Shari'ah and make it known. But when it comes to applying that rule in practical life, his words have the same value as those of any other learned and pious person. For example, Mujtahid has the authority to give fatwa that beer is haram and sherbat is halal but if there is a glass of coloured liquid and you do not know whether it is beer or sherbet, it is not a mujtahid's job to decide its reality. It is for the man who intends to use it to make sure that it is sherbet, not beer. And even if a Mujtahid says so something about it, it has the same force as that of other knowledgeable persons.

Coming to your question, the mujtahid has the authority to describe how the new moon should be proved. But if some' Adil persons give evidence before him and he is satisfied that they have seen the moon, and thereupon he gives "order" that tomorrow is the first day of (let us say) Ramadhan, then will this order be binding on the believers? Some Mujtahids, like Ayatullah al-'Uzma Gulpayegani, say that it is binding on all believers (except when one is sure that the evidence relied upon by the mujtahid was not true). Some other mujtahids like late Ayatullah al-'Uzma al-Khoui (R. A) say that it is not binding, as the fatwa quoted in your question shows. However, he had said that it was better to observe Ihtiyat (precaution). It means that in case of the month of Ramadhan, one should fast, but not with the niyyat of Ramadhan; instead one should fast with intention of Qada (if a fast is due) or Sunnat. Then if later on it was known that it actually was the first of Ramadhan, that Qada or Sunnat fast will be counted as that of Ramadhan. In case of Shawwal, one should travel out of town to the prescribed limit of "journey" and then break the fast.

Q. 84: IHRAM BY NADHR:

I will arrive at Jeddah by air; the plane will fly over Qarnu 'l-manazil before proceeding to Jeddah. Can I make nadhr to put on Ihram and become muhrim when the plane flies over Qarnu 'l-manazili? Or, is it better if I become muhrim when the plane lands at Jeddah? Or, should I make nadhr to became muhrim from home?

A: According to Ayatullah al-'Uzma as-Sistani, you may make nadhr to put on Ihram and become muhrim from your home. So all your problems are solved. Of course, you will have to sacrifice one goat or sheep as Kaffarah of travelling under shadow (i.e. in plane). This Kaffarah will be slaughtered in Mina. If you travel in closed car or bus during hajj (Mecca-Arafat-Mina), that too will need another Kaffarah, which will be slaughtered after you return to your home. [Kaffarah of 'Umrah is given at Mina and of hajj in home town.]

Q. 85: DID THE PROPHET(S.A. W) PERFORM TAWAFUN NISA '?

Did the Holy Prophet (S.A. W) perform Tawafun Nisa'? How is it that NOT a single reference to it is traceable in the Sunni books of Hadith, as in the case of Tawaf Qudum, Tawaf Ifadah and Tawf Wada'?

A: Ash-Sharif al-Murtada (died 436) has written that there is no dispute that the Holy Prophet (S.A.W) had done Tawafun Nisa'. (All agree that the Prophet (S.A.W.) had done two Tawafs; and as will be explained below, the second one was Tawafun Nisa'.). As for the second part of your question, I'll quote an Arabic saying: “It is not the first glass broken in Islam”. May be, the Sunni traditions have contused Tawafun Nisa’ with Tawaf Wada’; but I am not sure.

Q. 86: GIVE ME AHADITH ABOUT TAWAFUN NISA

In which book and chapter of hadith belonging to our School of thought is Tawafun Nisa' mentioned? Please quote me the relevant traditions.

A: There are a lot of ahadith about Tawafun Nisa' narrated from our Imams in al-Kafi, Man la yah duruhu 'l-faqih, Tahdhibu 'l-ahkam, Wasa 'ilu sh-Shi 'ah etc. I am quoting here a few short traditions for your benefit.

1. It is narrated from Abu 'Abdillah (A.S) that he said about one who performs Hajj al-Qiran. "Hajj al-Qiran is not done except with driving of the sacrifice animal; and upon him is a Tawaf of the House, and two rak'asnearMaqam Ibrahim, and sa'y between the Safa and Marwah, and a Tawaf after Hajj and it is Tawafun Nisa'." (Tahdhibu 'l-ahkam, Vol. 1, p. 458; Wasa'ilu 'sh-Shi'a, vol.8, p. 149).

   Note: This hadith of Imam Ja'far as-Sadiq (A.S) explains that there are only two Tawafs in Hajj al-Qiran. Remember that the Prophet (S.A.W) had done Hajj al-Qiran, while the others (who had not brought their sacrifice animals with them from their places) were ordered to do Hajj at-Tamattu'. And all traditions say that the Prophet had done two Tawafs: First on 4th Dhul-hijja, on entering Mecca. He did Tawaf, prayed Salatut Tawaf and then did sa'y. Second, on 10th Dhul-hijja after sacrificing the animals and shaving the head (Tahdhibu 'l-ahkam vol. 1, p. 576; Furu' al-Kafi, vol. 1, p. 233) 2.)

2. Abu 'Abdillah (A.S) said: "At-Tamattu' is the best of Hajj; and it was revealed in the Qur'an and established by the sunnah. It is incumbent on one who does Hajj at-Tamattu' , after arriving at Mecca to do Tawaf of the House, and pray two rak'ah near Maqam Ibrahim, and do sa'y between the Safa and Marwah; then he will do Taqseer and with it he will come out of the Ihram of 'Umrah. And he has to do two Tawafs for the Hajj and Sa'y between the Safa and Marwah and after each Tawaf he will pray two rak'as near Maqam Ibrahim. And as for the one who does Hajj Ifrad, he has to do a Tawaf of the House, and two rak'as near Maqam Ibrahim, and Sa'y between the Safa and the Marwah, and Tawaf of ziyarah, and it is the Tawafun Nisa'; and he is not obliged to offer sacrifice or slaughter (an animal)." (Tahdhibu 'l-ahkam and Wasa'ilu 'sh-Shi'a as quoted in No. 1.)
   Please note that there are 3 Tawafs in Hajj at-Tamattu':
   First in 'Umratut Tamattu' (followed by Salatu-Tawaf "and Sa'y);

   Second in Hajjut Tamattu' (likewise followed by the Salatu-Tawaf and Sa'y (some times it is called Tawaf-ul-Ifadah); Third is Tawafun Nisa' followed by Salatut Tawaf, but no Sa'y.

   And In Hajj al-Ifrad (or al-mufrad) there are only two Tawafs like Hajj al-Qiran, with one sa'y after the first Tawaf.

3. Abu 'Abdillah (A.S) said: It is incumbent on one who does Hajj at-Tamattu' to do three Tawafs of the House, and he will pray two rak'as after every Tawaf, and he has to do two Sa'y (Tahdhibu 'l-ahkam; Wasa'ilu 'sh-Shi'a, and Furu' al-Kafi as mentioned above) I think these short ahadith will satisfy you.

Q. 87: WHY IS TAWAFUN-NISA' WAJIB BUT NOT A RUKN?

According to the Mujtahids, the Tawafun Nisa', even though obligatory, is NOT a pillar of Hajj,and not performing it does not invalidate the Hajj. Please clarify.

A: In Shi'a fiqh, rukn (pillar) is used for that part which, even if left by mistake, invalidates the 'ibadah. For example, ruku' is a rukn (pillar) of salah; if you leave it even by mistake, your salah is batil. But dhikr of ruku' (although obligatory) is not rukn; so if you go in ruku' and then do not recite dhikr (by mistake), your salah will be correct and you will have to do sajdah sahw for it after salah. Likewise, Tawafun Nisa' is obligatory but not rukn. One who leaves out Tawafun Nisa', will have to return to Mecca and perform it; otherwise his/her spouse will remain haram for him/her. If it is not possible to return to Mecca, then he/she will have to appoint someone to do that Tawaf as his badal.

Q. 88: WHAT IF A SUNNI DOES NOT PERFORM TAWAFUN NISA '?

According to Sunni verdict a person's marital partner becomes permissible after performing Tawaf Ifadah. On the contrary, a person who does not perform the Tawafun Nisa', his or her marital partner is not permissible according to our fiqh. Please enlighten me.

A: Your question is very vague- What do you want to know? The Sunnis are governed by their fiqh, and if a Sunni's hajj is correct according to his fiqh, his/her spouse will become halal to him/her, without doubt. But a Shi'a is governed by his fiqh, and he/she will have to do Tawafun Nisa' before marital things become halal for him/her.

Q. 89: IN WHICH THINGS ZAKAH AND KHUMS WAJIB?

Can you explain to me in detail, please, the difference between Khums and Zakah? How do you pay Khums and how do you pay Zakah?

A: Zakah is wajib on 9 items:

1. Gold coins,
2. Silver coins;
3. Wheat
4. Barley,
5. Dates,
6. Grapes
7. Camels
8. Cows and Buffalos
9. and Sheep and goats.

The conditions and rates are different for each item.Khums is wajib on 7 items:

1. Booty acquired in Jihad,
2. Mines,
3. Things obtained by diving,
4. Buried treasure,
5. A land plot purchased by a dhimmi kafir from a Muslim,
6. A Halal property in which some Haram property is mixed,
7. Saving from the year's income.

Perhaps for you the 7th item will be applicable. For the conditions and details study any

English book of Masa'il of your mujtahid.

Q90: ONE HAS NEVER PAID KHUMS

Ahmad has not paid Khums since becoming Shi 'a because he thought that he was not subject to khums as he still owed his father some $4000 dollars.

A: It is a misunderstanding. Ahmad should at once fix a financial year for himself. In this case, it is advisable that he should fix at the end of his year on the date he became Shi'a. Then whatever was left on that day from his domestic expenses in cash or kind, he should give its khumus. But now that day has passed, therefore he should end his year as soon as he gets this letter's directives, and see what is left in grocery and cash - even 5 ounce salt or one pound rice; and take its khumus out.

As for the debt, it does not exempt one from khumus. Let us say, Ahmad owes his father 4000 dollars and the father has put no pressure on him to pay it at once. Before the end of year, Ahmad estimates that his savings would be about 1000 dollars, and before the end of the year he pays an amount of 1000 dollars as part payment of the loan to the father. Then he does not have to pay any khumus at the end of the year because he has got no saving. But if he delays the payment and the end of the year arrives, then he will have to pay 200 dollars as khumus before he can use the remaining 800 dollars for any thing.

Q. 91: Accounting of Khumus on a certain saving:

Since May 1993 Ahmad started saving for his Hajj expenses. He would have saved enough for his Hajj expenses by February 1995. Need Ahmad pay khumus on his Hajj expenses which amount to $ 6950 dollars before he leaves for Mecca in May, 1995?

A: Keeping in view the above explanations if Ahmad decides, on receipt of this letter, that his financial year will begin on 1st May every year, for example, and end on 30th April, then he will have to pay khumus on the money saved between May, 93 and April 94; but the saving between May 94 and April 95 will not be liable to khumus if he purchases his ticket and other necessary things before 30th April, 95, because it will be counted as the expenses of the year.

All this is a general explanation. You read carefully the book, khumus, of my son and then you may decide for yourself. If you feel any difficulty you may write again

Q. 92: IS MUT'AH LEGALIZED PROSTITUTION?

In 'the Sunday Times' of May 12th 91, an article had appeared that a few Iranian women are against the Mut 'ah Marriage. They say that this is legalized prostitution. Please clear this matter for me. How can we answer these allegations?

A: Is not the "marriage" (in all its forms) just a legalized fornication? Don't they understand that all conditions which are necessary for a Permanent Marriage are necessary in Mut'ah (Temporary) Marriage too. Even the term, Permanent Marriage is misleading, because in Islam no marriage is "permanent". The husband can terminate the marriage by the simple device of Talaq. So where is the "permanency"?

A Sheri'ah which recognizes Talaq, cannot ridicule Mut'ah, because "Marriage +Divorce = Mut'ah."

In fact, some times mut'ah is more merciful to the woman concerned than the so-called "permanent marriage". Suppose a man is on a journey and needs a wife. If he is a Sunni

he will perform "permanent marriage"; and the wife will be under the impression that she has married for lifetime. But the husband knows it is only a temporary arrangement. So when time comes for him to return to his place, he divorces her and leaves her in the lurch. There is another question worthy of attention: If the husband had the intention from the beginning to give her divorce, was the permanent nikah valid? But if he is a Shi'a, he will tell her from the beginning that he wants to marry her only for a limited period - let us say 6 months. Thus if the woman's status and conditions agree with the proposal, she will accept it; otherwise she is at liberty to reject the proposal. Everyone will agree that the second alternative is more honest, more straight-forward and more in keeping with the woman's dignity.

Q. 93: GHUSL JANABAT AND CONDOM:

If a man uses a condom during sexual intercourse with his wife, is she obligated to take Ghusal Janabat?

A: Yes, undoubtedly.

Q. 94: IS IT TRUE THAT A CERTAIN SUNNI SCHOOL OF JURISPRUDENCE PERMITS HOMOSEXUAL ACT WITH YOUNG MEN/BOYS?

A: Imam Abu Hanifah has said: whoever commits sodomy with his slave man or his employee and penetrates, there is no *had* (punishment) for him. (See Hashiyah of Sharh al-Wiqayah by Allamah Chalapi, kitabul Hudud,, p. 212; also see Imam al-Ghizali's al-Mankhul, Damascus, p. 502)

The same is the fatwa of Imam Malik.

And Imam Shafi'i has said that there is no clear order in the Qur'an about it, but according to Qiyas (analogy) it is halal (lawful).

Q. 95: POLYGAMY AND POLYANDRY:

If a women cannot satisfy the desires of a man he can marry once again or enter a contract of Mut 'ah. But if a man cannot satisfy his wife what can she do? Is it that men have more stronger desire than women?

A: Man has been allowed to marry four wives at one time. There is no question whether the present wife can satisfy his sexual urge or not. Therefore, your question is based on a wrong presumption.

Q. 96: DIVORCE UNDER PRESSURE

Some people took me by force to an 'Alim, and pressurised me to divorce my wife; although I did not wish to divorce her, but they compelled me and I signed the divorce paper. I kept the paper for two weeks without informing my wife and then tore it up.

The question is: Is that divorce valid? Is my wife divorced from me?

A: As a general rule, divorce under duress or compulsion is invalid. In the case quoted above, even if it were a valid divorce, the husband's behaviour in living with the wife and tearing the divorce paper constitutes revocation of divorce and the wife continues legally married to the husband.

Q. 97: IS ABORTION ALLOWED AFTER RAPE?

If I live in a town, city or village and some unbelievers raped my wife or daughter and impregnated her is it haram to get abortion for her. How would I go about this issue?

A: The punishment in Islam for raping a woman (i.e. having sexual intercourse with a woman other than his wife, without her genuine consent) is death; it makes no difference whether the culprit was a Muslim or Kafir. However, the sentence can be given only by a duly appointed Qadi of Shari'ah, who will look at all the evidence and then decide the case.

As for woman, it will be a sin and crime on her part to abort the foetus. The child will be affiliated to the mother and will be legitimate on her side. The mother and child will enjoy their mutual rights including the right of inheritance from each other.

The fact is that in Islam a child born out of wedlock is considered illegitimate and is not affiliated to either of the physical parents. But there are cases where it is considered a legitimate child as, for example, when at the time of its conception both parties were under the impression of being lawfully married, and then it transpired that it was not so; such a child is affiliated to both parents. Also in some cases it is considered legitimate on the part of one physical parent, to whom it is affiliated, and illegitimate on the part of the other with whom it has no relationship, as for example in the case mentioned in the question.

Q. 98: ON ATHEIST

According to the Imams (A.S) and the Prophet (S.A. W) what is my responsibility concerning (zanadiqah) atheists? Do I exile him from Muslim land or send him back to Allah by sword?

A: No, sir. You are not to take the law into your hands. As for this particular matter, you should remember that there were a lot of atheists under the Muslims' rule all over Asia, Africa and Europe, but they were not banished or killed.

Q. 99: JIHAD IN SUPPORT OF OPPRESSED MUSLIMS:

I 'm aware that Jihad is haram in the absence of the Imam (A.S), except in defence of life and property. What if Mu 'minun live in a country and the leaders have killed Mu 'minun in large number in another country? What should I do? Just sit and watch? Or should I prepare to fight "Fi-Sabilillah " to protect and help my brothers in that different country and strike a severe blow to unbelievers?

A: You should try to help your Muslim brothers morally, financially, and (if possible.) in person, in their countries where they are being attacked. But not in other places.

Q.100: FREEDOM OF CHOICE VS.DEATH PENALTY FOR APOSTATE:

How does one reconcile the freedom to choose a religion (2:256) and the death decree for a person who chooses to abandon Islam?

A: Suppose you are a foreigner living in the U.K. with a right to apply for its citizenship. Nobody can compel you to use that right and acquire the said citizenship; you have "the freedom to choose it". But once you apply for and get the citizenship you are bound to obey its rules and keep its interests at your heart. Then if after some time you are caught plotting against the state and found guilty of treason and rebellion, what penalty awaits you? It is death. How will you reconcile the initial "freedom of choice" with that ultimate

"denial of right of life"?

For your information, such plottings had started in the life of the Prophet (S.A.W) himself. Allah says in the Qur'an:

“And a party of the people of the Book say: show belief in that which has been revealed to those who believe, in the early part of the day, and declare disbelief at the end of it; perhaps they (i.e. Muslims) go back on their religion.” (3:72).

So you see what bad effect apostasy of even one man can have on the whole Muslim Ummah. It demoralizes the Muslims; and disturbs their cohesion and discipline. It is unmitigated "fasadfil ard", and needs tough handling to stem the rot in the beginning.

Q. 101: IS BETTING ON HORSES ETC. ALLOWED?

Imam Khomeini (R.A) gave a Fatwa on betting, and said that it was Halal, particularity on horses and camel racing. Is it Halal to receive money on winning?

A: You have been given wrong information. The fact is that in Islam competitions of horse-riding and archery are allowed. Also it is permitted to make a condition that the loser will give so much prize to the winner; and /or that a third party will pay a reward/prize to the winner. But betting on who will win or lose in strictly forbidden.

And detailed rules for regulating this competition or race are found in all books of Fiqh from the early days of Islam. It is not only a *fatwa* on Ayatullah Khumayni (R. A).

Now what it has got to do with present days' horse racing in the western countries which is pure gambling, and is diametrically opposed to that Islamic way of racing and archery which develops martial arts, and trains youths for fighting in the way of Allah?

Based on the same principle, in modem times, archery rules may probably be applied to competition of marksmanship with fire-arms; and the rules of horse-riding may cover competition in manoeuvring the tanks, warplanes etc. But you will have to ask your mujtahid for a definite ruling on these modern systems of warfare.

Q. 102: PLAYING CHESS?

Is playing chess haram? If Yes, then why?

A: It is Haram because it is declared to be Haram (by name) in a lot of ahadith.

Q. 103: Octopus and Shrimp:

Is a Muslim permitted to eat meat of an octopus or shrimp or oyster.

A: Octopus and oyster are Haram. Shrimp is Halal.

Q. 104.FISH DIED IN NET

There is a fish in Pemba waters which remains moving throughout its life-span. If it stops for any reason, it dies instantly. The fishermen throw or fix their nets in the water at night and take out the haul near dawn. Among other fishes they find also the above mentioned fish which is already dead. (It dies as soon as it is stopped by the net.) Is that fish lawful to eat?

A: If the said fish has scales, then, according to the late Ayatullah as-Sayud Al-Khoui (R. A), it is Halal (lawful to eat). See his TawzihulMasa77, 1409 A.H., Qum, Mas 'alah no.

2624, pp. 472-73

Q. 105: FISH WITHOUT SCALE:

I have been asked to explain why it is haram to consume all kind of fish having no scales including shellfish in our madhhab while Allah Ta'ala says in the Qur'an: “Say: I do not find in that which has been revealed to me anything forbidden for an eater to eat of EXCEPT that it be what has died of itself or blood poured forth, or flesh of swine -for that surely is unclean - or that which is a transgression, other than (the name of)Allah having been invoked on it;..................” (Qur'an,6:146)

Also He Says: “Lawful to you is the game of the sea and its food,a provision for you and the travellers” (Qur'an, 5:97)

Add to it Qur'an, 5:87 and 6:120 which tell us not to forbid the good things made lawful by Allah. Please assist me by quoting Ahadith from the Holy Prophet (S.A.W) and the infallible Imams (A.S). Is there a scientific explanation as well?

A: There are many ahadith to this effect, some of which are quoted here:-

1. Muhammad ibn Muslim narrates from Abu Ja'far (A.S), inter alia, in a hadith: ”I said to him: May Allah have mercy on you, we are offered fish which have no scale”. He said: 'Eat the fish which has scale, and do not eat that which has no scale.'"

   This hadith from the 5th Imam (A.S) is narrated by al-Kulayni in al-kafi (al-Furu', Vol.2, p. 144) and by ash-Shaykh at-Tusi in Tahadhibu 'l-ahkam, vol.2, p. 339; and is copied here from Wasa 'ilu 'sh-Shi 'ah vol. 16, p. 329.

2. Hammad ibn 'Uthman says: "I said to Abu' Abdillah (A.S): 'May I be your ransom! Which of the fish is (allowed) to be eaten? He said: 'That which has scale.
   This hadith from the 6th Imam (A.S) is given in all the books mentioned above, plus as-Saduq's Man la yahduruhu 'l-faqih, vol. 1, p. 10

3. 'Abdullah ibn Sinan narrates from Abu 'Abdillah (A.S) that he said: "'Ali (A.S) used to ride the mule of the Messenger of Allah (S.A.W) in Kufa, then pass through the fish-market and tell them 'do not eat, nor sell the fish that has no scale.'" (The same references as in No. I plus al-Mahasiny.477)

For your information, during the Veitnam War, the Pentagon had sent a clear order to its troops not to eat the fish without scale, as it was very injurious to health. I had copied that order in our magazine, the Light, (Dar-es-Salaam),

You will be interested to read the following order given by Allah to the Prophet Musa (A.S)

"These shall ye eat of all that are in the waters: whatsoever hath fins and scale in the seas, and in the rivers, them shall ye eat. And all mat have no fins and scales in the seas and in the rivers, of all that move in the waters, and of any living thing which is in the waters, they shall be abomination unto you. They shall be even an abomination unto you; ye shall not eat of their flesh, but ye shall have their carcasses in abomination. Whatever hath no fin nor scales in the waters, that shall be an abomination unto you." (Leviticus, ch. 11, vs. 9-12)

"These ye shall eat of all that are in the waters: all that have fins and scales shall ye eat: and whatsoever hath no fins and scales ye may not eat; it is unclean unto you." (Deuteronomy, ch. 14, vs. 9-10)

So you see it was haram even in the Law of Nabii Musa (A.S), and consequently in the religion of Nabii 'Isa (A.S) although St. Paul corrupted the Christianity and abrogated the Law.

By the way, you have emphasized the word EXCEPT in the verse 6:146, which says:

"Say: I do not find in that which has been revealed to me anything forbidden for an eater to eat of except that it be what has died of itself, or blood poured forth, or flesh of swive -for that surely is unclean - or that which is a transgression, other than (the name of) Allah having been invoked on it."

O.K. Then what will you say about the lard (fat of pig) which the Christians generally use in place of cooking oil? Or about the flesh of dog?

Q. 106: BURNING A MUSLIM DEAD BODY?

Is it Halal to burn a dead Muslim if he wrote it in his/her will that he/she wanted to be burned?

A: Certainly NOT. A will which goes against the rules of shari'ah is not valid in Islam.

Q. 107: QUR'ANIC INJUNCTION AND PUNISHMENT BY BURNING:

I remember reading somewhere that when the Prophet (S.A. W) saw the mutilated body of his uncle, Hamza, he made a vow to burn 30 or something Quraishites in retaliation. Then this verse came: And if you punish them, punish as you were afflicted; but if you be patient, certainly it will be best for the patient ones (16:126); telling him not to burn, only Allah is to torture His servants with fire.

But I read in Tawzihul Masa 'il of al-Marhoom as-Sayyid al-Khou'i (R.A), article 2797, that if an adult and sane person commits sodomy with another adult and sane person, both of them would be killed. And the religious head can kill them with sword or 'burn him alive'. Can you please explain why this contradiction.

A: First, about the verse: The Sunni tafseer ad-Durru 'l-manthur says: Ibnu '1-Mundhir, at-Tabarani, Ibn Marduwayh and al-Bayhaqi (in his ad-Dala 'it) have narrated from Ibn 'Abbas that he said: "When Hamzah was killed and mutilated, the Messenger of Allah (S.A.W) said: 'If I vanquished Quraish, I would mutilate seventy people from among them.' Then Allah sent down this verse, and the Messenger of Allah (S.A.W) said: 'We would rather be patient, and also forbade mutilation.

A nearly similar hadith is narrated in the Shi'a Tafseer of al- 'Ayyashi, from Imam Ja'far as-Sadiq (A.S).

I cannot understand where did you hear the story of "vowing to burn" the Quraish. Anyhow, this verse has nothing to do with the punishments imposed by the Shari'ah of Islam. Forget about burning; is not amputation of the four fingers of a thief mutilation? Will you say that a *hakimu'sh-shar'* should not cut the thief's hand (i.e. 4 fingers), because this verse was revealed against mutilation? (In fact, it does not say any thing against mutilation. It only says that if the Prophet (S.A.W) desired retaliation, he could mutilate only one Kafir, not more.)

Sodomy is one of the most contemptible crimes in the eyes of Islam. Its sin is much graver than fornication. There are in all, five punishments for the guilty of this crime (in the case mentioned by you): killing by swords, burning alive, throwing down from a high mountain or building with hands and feet tied, knocking down a wall over him, and stoning him to death. (If he is killed by sword, the Qadi has an option also to burn down his corpse.) From

these most harsh punishments you may realize the grave nature of this crime.

Q. 108: TAFSIR OF A QUR'ANIC VERSE:

Sura 33:34: Can you give me the correct interpolation of "Wadhkurna ma yutla fi buyutikuinna min ayatillahi wa hikmah"? Is it telling Ahlu'l-Bayt (A.S) to teach, or is it according to the Sunni authorities giving the Prophet's wives order to teach the Message? It speaks plainly but I need the correct interpretation.

A: It means neither. "Wadhkurna" means "and remember". No dictionary, no *mufassir* (exegete), Sunni or Shi'a, has ever said that it means to teach. The verse of purity before it is a parenthesis, and this next sentence is addressed to the wives of the Prophet (S.A.W), telling them to "keep in mind what is recited in your houses of the communications of Allah and the wisdom." It puts emphasis to the orders which have preceded it to obey Allah, do good deeds, be pious, stay in their houses, keep up prayer, give Zakah and obey Allah and the Messenger. It tells them to be good Muslims and that's all.

Q. 109: TAFSIR OF VERSE 24:3.

Allah Ta'ala says in the Qur'an: "The fornicator does not marry any but a fornicatress or idolatress; and (as for) the fornicatress, none marries her but a fornicator or an idolater; and it is forbidden to the believers." (Qur'an, 24:3). Does it mean that Allah orders fornicating women to marry fornicating men or idolaters? Also, is marriage of a chaste man with a fornicatress unlawful and void?

A: It is not an order but a statement showing their condition. This reality has also been explained more clearly in the verse 26 of the same chapter where Allah says:-

"Unclean things are for unclean ones and unclean ones are for unclean things; and the good things are for good ones and the good ones are for good things. "

The verse in question was revealed concerning a particular situation in Medina. As-Suyuti in his ad-Durru 'l-manthur, quotes numerous traditions to the effect that when the Muhajirun came to Mecca, they found the life there very hard, what with the dearness of things and their own unemployment. There were many women among the Jews and also some among the Ansar who were professional prostitutes and they used to raise a particular type of flag on their houses to advertise their "trade". They were minting money. Some Muhajirun thought of a plan to marry those prostitutes in order that they could share in those women's wealth, "and when our condition improves, we shall leave them." They accordingly asked permission of the Holy Prophet (S. A. W), and Allah revealed this verse in their reply.

It is clear that the verse is restricted to that situation and it has forbidden the Muhajirun to carry out their plan.

On the other hand, the words, "it is forbidden to the believers', may be taken to mean, "it is undesirable for the believers." In that case the verse will have a general and unabrogated meaning and will be applicable even now.

Q. 110: In the ayat 102 of Sura 20 (TAHA), it says:

"On the day when the trumpet shall be blown, and We will gather the guilty ones, blue eyed, on that day." Can you explain the word زُرْقًا (which is translated here as "blue eyed"), because a lot of people of African origin in U.S.A. have split into sects over this

issue. They think it is talking about the people from Europe.

A: This word, zurq, has two meanings in dictionaries:

(1) blue colour and (2) glaucoma (eye disease causing gradual loss of sight). Although many translators of the Qur'an have translated it as "blue eyed", a lot of exegetes (particularly Shi'as) have taken it to mean, "dim-eyed" or "blind with horror". And this explanation is more appropriate and more conforming with the general tenor of Islam and other Qur'anic teachings.

First of all: The interpretation mentioned by you is unmitigated racialism which Islam abhors. Islam does not say that black people are burdened with Noah's curse to remain white people's slaves - to serve as the hewers of wood and carriers of water - as the Genesis says. Nor does it say that whites are bad and blacks are superior to them.

Second: All human beings are created by Allah; and Allah says: *"Certainly We created man in the best make."* (Qur'an, 95:4) This includes all people of all races.

Third: Of course, Allah has created human beings in different colours and various facial features. But as mentioned above, all are "in the best make". None is superior; none is inferior. The reason for the prevailing differences is clearly given in the verse 13 of Surah 29 (al-Hujurat):

"O you people! We have created you of a male and a female and made you clans and tribes, that you may recognise each other; surely the most honourable of you with Allah is the one among you who is most pious (i.e. guards himself most against evil); Surely Allah is Knowing, Aware."

Please note that belonging to a certain race or tribe is not a criterion of superiority or inferiority; the criterion is piety only.

Fourth: Coming to the practical side, not all Kafirs are "blue eyed" nor are all blue eyed people Kafir. A lot of Europeans belong to Islam, for which they are paying the price, e.g., in Bosnia and other places.

In short, colour of eyes has nothing to do with one's success or failure on the day of Judgement. The only true explanation is "dim-eyed" or "blind with horror". It is supported by the statement in the same surah, which says: *"... and We will raise him, on the day of resurrection, blind. He shall say: My Lord! Why hast Thou raised me blind, and I was a seeing one indeed? (Allah) will say: Even so; Our signs came to you, but you forgot them; even thus shall you be forsaken this day."* (Surah Ta-ha, verse 124-126).

Q. 111: TALKING WITH A DEAD PERSON:

This concerns the tradition in Day of Judgement, describing the talk of Salman al-Farsi (R.A) with a dead person; Out of my understanding of hadith and al-Qur 'an, Allah (S. W.T) says in 35:22: And you cannot make those hear who are in the graves.

A: At present, I leave the question of authenticity or otherwise of the said tradition aside, because I do not have necessary books here in Toronto. Here only the meaning of the said 'ayah will be explained:

(a) The verse is a part of a speech which says: "*And the blind and the seeing are not alike; nor the darkness and the light; nor the shade and the heat; neither are the living and the dead alike. Surely Allah makes whom He pleases hear, and you cannot make those hear who are in the graves. You are naught but a Warner......"* (35:19-23) All these similitudes have been brought for Mu 'min (the seeing, the light, the shade, the living) and Kafir (the blind,

the darkness, the heat, the dead) and last sentence emphasizes it by saying that Allah makes whom He pleases hear. Suppose a Mu'min was first a mayyit (dead) i.e. unbeliever; Allah gave him life (i.e. Iman) and made him hear the word of truth. As He says in 6:122, “*Is he who was dead then we raised him to life and made for him a light by which he walks among the people, like him whose likeness is that of one in utter darkness...”* The Prophet (S.A.W) is a medium of the guidance but the guidance is of Allah alone.

Then He Says pointing to the opposite group: you cannot make those hear who are Kafirs, (are in the graves), whose hearts are sealed. Your responsibility is only to warn them.

So you see that this statement has no relevance to our subject.

(b) Even if it were not a similitude, it does not go against the said hadith. The hadith does not claim that it was Salman (R.A) who made the dead body talk. It was Allah who knew when Salman (R. A) was going to die and it was Allah who made the mayyit talk.

(c) The episode after the battle of Badr is accepted by all Muslim sects. I am quoting it from Sahih al-Bukhari:
"Abu Talha narrated: On the day of Badr, the Prophet (S.A. W) ordered that the corpses of twenty four leaders of Quraish should be thrown into one of the dirty dry wells of Badr.So on the third day after the battle of Badr, he ordered that his she-camel be saddled........When he halted at the edge of the well, he addressed the corpses of the Quraishite infidels by their names and their father's names, "O so-and-so, son of so-and-so, and O so-and-so, son of so-and-so! Would it have pleased you if you had obeyed Allah and His Messenger? We have found true what our Lord had promised us. Have you too found true what your Lord had promised you?" 'Umar said: O Messenger of Allah! You are speaking to the bodies that have no souls! The Messenger of Allah (S. A. W) said: By Him in whose hand Muhammad's soul is, you do not hear what I say better than they do. (Qatada said: Allah brought them to life again to let them hear him, to reprimand them, and slight them and take revenge over them, and cause men to feel remorse and regret.) (al-Bukhari with Eng. Translation, Vol.5, pp. 209-210)

Strangely enough, another hadith is given in Tafsir ad-Durru 'l-manthur, that Ibn 'Abbas says: "The Messenger of Allah (S. A. W) was standing over the dead badies of those killed on the day of Badr and saying: 'Did you find true what your Lord had promised? O so-and-so son of so-and-so, did not you disbelieve in your Lord? Did not you reject your Prophet? Did not you cut the ties of relationship?' They (the companions) said: 'O Messenger of Allah! Do they hear what you are saying?' He said: 'You do not hear what I say better than they do.' Then Allah revealed the verse: *Surely you cannot make the dead to hear and you cannot make those hear who are in the graves."*

And Bukhari too, after giving the clear and well-accepted hadith (quoted earlier) gives two traditions from 'Aisha which more or less confirm the above-quoted hadith of Ibn 'Abbas with the same "verse". Now let us look critically at these later three ahadith:

1. The first tradition is narrated by Abu Talha. The one of ad-Durru 'l-manthur, is narrated by Ibn 'Abbas, and the later two of Bukhari by 'A'isha. Now Ibn 'Abbas was a small child in Mecca at that time; and 'A'isha was in Medina, not in Badr; while Abu Talha was in Badr. Whose report should be relied upon?

2. The "verse" which Ibn 'Abbas claims to have been revealed concerning this episode of Badr is a mix-up of two sentences from 3 verses: The sentence, Surely you cannot make the dead to hear,is a part of Surah 30. (The Romans) verse 52, and Surah 27 (The Ants) verse 80; while the next sentence is found in 35:22, as described earlier.
3. All three Surahs were revealed in Mecca, long before Hijra and the Battle of Badr (2 A.H). How can it be imagined that the sentences were revealed at Badr?
4. That is why' Allamah Tabataba'i in his Tafsir Al-Mizan, vol. 17, p.38 says: "The signs of forgery are quite clear in this tradition. The status of the Prophet (S.A.W) is too high to say something without getting its knowledge from Allah beforehand. How could he say such a thing which made it necessary for Allah to reveal a verse to refute his claim and give him correct information."

The fact is that such traditions were forged in the name of well-known companions, to implement the Umayyads agenda. They have filled the books with such traditions showing that the Holy Prophet (S.A.W) indulged in meaningless actions, (God Forbid); that often 'Umar tried to put him right and that whenever such things happened, Allah sent down verses, which invariably always confirmed 'Umar's views and opinions.

112: ON THE BOOK “HUSAIN, THE SAVIOUR OF ISLAM”:

Please give me your opinion concerning the book, Husain the Saviour of Islam, written by Mir Ahmad Ali, published by T.T.Q. I seem to have found several historical inaccuracies in it Also he hardly cites any sources. It seems to have been written in a Zakiri style, not factual, historical. When I realized that this is the same author who penned the commentary and translation ofQur 'an, I began to doubt its correctness as well. Should I rely on his Tafseer?.

A: Your comments about the book, "Husain the Saviour of Islam" are correct. But there is a difference between this book and his Translation of the Qur'an. The Translation and the Commentary were checked by late 'Allamah Agha Pooya, who had himself added many things in the Commentary which appear with his initials (A.P.) therein. Therefore, we may really on it.

Q. 113: ON TAFSIR-AL-MIZAN

I read your translation and notes of "Al-Mizan" volume VII about Surah Al-Nisa, verse 1. I was under the impression that Al-Mizan was the best tafseer available. What is your opinion? What is the best tafseer in Arabic that you know of? Approximately what percentage of 'Allamah Tabatabai's views as expressed in Al-Mizan do you agree with? Are there other views of his that I should be cautious about?

A: First of all, it should be clearly stated here that we do not believe that any book written by any non-Ma'sum can be 100% free of errors or misjudgements. The question is only of the proportion. Keeping this in mind, Tafsir Al-Mizan is fine, although at a few places his ideas are influenced by his inclination to Sufism. For example, he believed that Mi'rajs journey was physical upto and from there it was only a spiritual ascension. But for the most part Allamah Tabatabai's commentary is correct and few blemishes here and there do not affect its importance.

Personally I think that if late Ayatullah al-Khoui would have completed his Tafseer Al-Bayan, it would have been marvellous. Unfortunately he could not write more than one volume containing the Introduction and the Tafseer of Surah Al-Fatihah.

Q.114: ON BLACK AND WHITE TURBANS:

What is the difference between an Aalim with white turban and an Aalim with black? Can I become a Sayyid? If not, why?

A: Legally there is no difference. But in practice, Sayyids wear black or green 'amamah, while the non-Sayyids use white.

Sayyids are those who are descended from the Prophet (S. A. W) through Bibi Fatimah Zahra (A.S). This title is not earned through knowledge, wealth or any other way. Obviously, one who is not descended from the Prophet (S.A.W) cannot "become Sayyid".

Q. 115: WANT TO WEAR BLACK TURBAN

I want to wear black turban and robe like the ones some Shi 'a 'ulama' use, because I want to follow the sunnah of the Holy Prophet (S.A. W)

A: the sunnah is the white dress. All books of our fiqh and hadith say that it is mustahabb (commendable; more rewarding) for the one who prays salah to wear white dress. Also, it is clearly written that it is makruh (disliked) to wear black dress in prayer, except 'amamah (turban), Kisa or rida (robe) and socks. These may be black.

As for the Holy Prophet (S.A.W), he had not adopted any particular colour for his dress - lest the Muslims think that only that colour was permissible. He used white turban, but some times wore other colours too; during the conquest of Mecca he was wearing black turban.

Try to obtain about 4.5 yard of thin cotton cloth (black or white) and use it for your turban. But if, by grace of Allah, you are freed and happen to visit a country or society where black turban, in public eyes, is reserved for Sayyids, then I strongly advise you to use the white one only. Otherwise, people might think that you were claiming to be a Sayyid. The Holy Prophet (S.A.W) has said: Beware of the places or situations where you might be blamed for something you had not done.

As for the robe, somebody will have to bring it for you from Iran, Iraq or Syria. The colour is usually brown or black. The ones sold in Saudia Arabia have golden embroidery, which is not good for prayer.

Q.116: ABOUT BLACK SHOES:

How does one reconcile the narratives attributed to Imam Ja'far Sadiq (A.S) in Section 11 of Hilyatul Muttaqeen one of which says "Do not wear black shoes "while the other says that the best colour of shoes in one s home town is black. ?

A: I do not have Hilyatul Muttaqeen here in Toronto. However, the wording of the latter statement indicates that the talk was addressed to someone residing in a town dominated by extremely bigoted enemies of the Shi'as who could have known by avoidance of black shoes that the man concerned was a Shi'a and thus could have harmed him.

The Karahat (being disliked) of black shoes and black dress (except 'amamah, rida' and socks) is well-known and accepted. Even so, we should not put too much emphasis in these days on mustahab and makruh things, because new generation does not pay due attention to wajib and haram things. We should endeavour to make them truly concerned with wajibat and muharramat. If they come back within that circle, then mustahabbat and makruhat could easily be taught.

There is a hadith from Imam Ja'far Sadiq (A.S) at the end of which he says:

"Make your heart bright and wear whatever you want."

This gives a gist of the principle involved in this matter.

Q. 117: ABOUT SOME MARAJI'-E-TAQLEED

Can you give me the address to where I can contact the following Maraji 'ut-Taqlid?

1. *Ayatullah al-Haj Aqa Nasir Makarim Shirazi*
2. *Ayatullah al- 'Uzma al-Haj Aqa Shahabuddin Mar 'ashi*
3. *Ayatullah al- 'Uzma Syed Muhammad Raza Gulpayegani*
4. *Ayatullah al- 'Uzma SyedAbul Qasim al-Khoui*
5. *Ayatullah al- 'Uzma Syed Ali Husaini Sistani*

A: You will be sorry to learn that Ayatullah al-'Uzma as-Sayyid Shahabuddin al-Mar'ashi left this world on 29th August 1991; and Ayatullah al-'Uzma as-Sayyid Al-Khoui expired on 8th August, 1992, while Ayatullah al-'Uzma as-Sayyid Muhammad Raza Gulpayegani expired in December, 1993.

May Allah enhance their prestige in the presence of the 14 Ma'sumeen (A.S).

The addresses of the remaining two maraji', as asked by you, are as follows:-

Ayatullah al-'Uzma Aqa-e-Nasir Makarim Shirazi Madrasah Amirul Mu'mineen (A.S), Khayaban Safaiya, QUM/IRAN

Ayatullah al-'Uzma Aqa-e-Sayyid 'Ali Sistani, Shari' Al-Rasul,NAJAF/IRAQ

Q. 118: EATING CHUNA (BURNT LIMESTONE)

Many people in the Indian sub-continent eat pan (betel leaf) in which chuna (burnt lime-stone) is added among other spices. It is a centuries old custom and even 'ulama' and mujtahideen use it. Recently an 'alim has said that the burnt lime-stone should not be eaten because it is haram to eat earth. Will you please guide us in this matter.

A: There is no doubt about its lawfulness. Perhaps the misunderstanding has arisen because that 'alim has confused the burnt lime-stone with earth or clay. In fact, it is unlawful to eat clay (i.e. earth mixed with water which may be shaped as pots etc.). Late Ayatullah Al-Khoui says: "It is haram to eat najasat like stool or a piece cut from a living animal. Likewise, it is haram to eat clay (except a small piece of the turbah of Husayn (A.S), not bigger than a chick-pea, eaten for cure). But minerals, stones and trees are not haram." (Minhaju s-Saliheen vol. 2, p.347).

Also late Ayatullah Al-Khumayni says: "To eat clay is haram, and it is the earth mixed with water, when it is wet, and also the dried clay. (It is ahwat to include dust too in this rule, although its non-inclusion is not without strong proof.) Obviously sand, stones and minerals are not included in the above rule governing the clay. All of them are lawful to eat if they cause no harm." (Tahrirul 7-wasilah, 2nd edition, no date, vol. 2, p. 164).

Also Ayatullah Al-Sistani says the same about clay in his Tawzihu 'l-masa'il (1st ed., 1413 A.H., Qum,p.554, Mas'alah 2637).

As clearly mentioned by Al-Khoui and Al-Khumayni, this rule does not include stones (e.g. burnt lime-stone) or minerals (e.g. beaten silver and gold which are put on sweets for decoration or mixed in medicines).

It will not be out of place to quote here two questions asked specifically about the chuna

(made of burnt lime-stone and of burnt shells) from late Ayatullah Shaykh Zaynul 'Abideen Mazinadarani of Karbala, who was marja'-i-taqleed of the Shi* as of the Indian sub-continent some 125 years ago. We find two questions in his book, Dhakhiratul Ma 'ad, pp.494, which are as follows:-

"The 'ulama' (religious scholars) of India say that eating the burnt lime-stone is allowed; and they eat it with betel-leaf (Paw). What is your honour's ruling? Is it lawful to eat it?"

He replied: "It is lawful, provided it is not harmful." (Page 494).

In those days the wealthy people burned sea-shells and used it (in place of the burnt lime-stone) with betel leaf. There was a controversy whether the said shell was a part of the body of the animal inside or was just its covering. Those animals are not halal, and if the shells were part of their body, the shells too would apparently be haram (unlawful) to eat.

The following question was asked keeping this problem in mind.

"They burn sea-shell to make lime; and (some) people in India eat it with betel leaf. Is it allowed or not?"

He replied: "Bismillah, wa lahul hamd. It is halal. Even if it is taken to be a part of an inedible animal, that problem ends with its burning. The burnt sea-shell is not "earth"; and even if one believes it to be "earth", it is a mixed earth, not pure. Even if it were pure earth, eating it would not be haram, because what is haram is the eating of clay (not of earth). And Allah is the knowing." (Pp.494-495).